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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Second periodic report of States parties due in 1984

Syrian Arab Republic*

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[19 January 2000]

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Introduction

1. The International Covenant on Civil and Political Rights places the States parties thereto under certain obligations in order to ensure that their legislation and their legal and judicial systems are in conformity with the provisions of the Covenant.

2. In this report, the Syrian Arab Republic will diligently endeavour to show, in a clear and reliable manner, the extent to which Syrian legislation is compatible with the rights recognized in the Covenant by listing those rights, article by article, and comparing them with the domestic laws and legislation in force in Syria in order to acquaint the Committee with the legal framework within which the provisions of the Covenant are being implemented in the Syrian Arab Republic.

3. In accordance with the provisions of article 40 of the International Covenant on Civil and Political Rights, under which the States parties undertake to submit reports on the measures they have adopted which give effect to the rights recognized therein, this report has been prepared in the light of the guidelines formulated by the Human Rights Committee for reports on the International Covenant on Civil and Political Rights.

4. Syria acceded to the International Covenant on Civil and Political Rights on 21 April 1969 under the terms of Legislative Decree No. 3 and, consequently, the Covenant became part of its domestic legislation and, as such, is enforceable in accordance with the provisions of the Constitution.

5. The rights referred to in the International Covenant on Civil and Political Rights are guaranteed in the Syrian Constitution, which is the country's basic law, and in the legislation in force in the country. This is confirmed by article 12 of the Constitution, which stipulates that: "The State shall serve the people and its institutions shall protect the basic rights of citizens and enhance their lives ... etc.".

PART I

General information about the Syrian Arab Republic (the land, the population, the political structure and the general legal framework)

(a) Geographic and demographic data

6. The Syrian Arab Republic covers an area of 185,180 km^2 or 18,517,971 hectares, of which about 6 million hectares are arable land, the remainder being mountains and desert.

7. The Syrian Arab Republic's borders with neighbouring States are 2,413 km in length and, according to the statistical estimates for 1998, its population totalled 17.008 million persons of whom 51.18 per cent were male and 49.82 per cent female.

8. Of the total population, 52 per cent live in rural areas and 48 per cent in urban areas. According to an official census conducted in 1994, 10.3 per cent of all households were headed by women. Children under 15 years of age constitute more than two fifths of the population (about 42 per cent in urban areas and 45 per cent in rural areas).

9 Syria's territory is divided into 14 governorates, each of which comprises several districts. Each district is, in turn, divided into subdistricts comprising a number of villages, the village being the smallest administrative unit. The governorates and districts bear the names of the towns in which their administrative centres are situated. According to the Statistical Abstract for 1998, there are 60 districts, in addition to the 14 districts in which the administrative centres of the governorates are situated, and 204 subdistricts.

(b) Public utilities

10. According to the 1997 statistics, Syria has a 41,451 km road network and a 2,767 km railway network. It also has five main ports on its Mediterranean coast (Latakia, Jableh, Baniyas, Tartus and Arwad) and five airports (Damascus, Aleppo, Qamishli, Latakia and Deir as-Zor).

(c) Economic data

11. GNP at producers' prices increased from LS 701 billion in 1985 to LS 1,043 billion in 1997 and GDP at market prices rose from LS 419.5 billion in 1985 to LS 604.3 billion in 1997 (the official exchange rate is LS 46.50 to the US$). The most significant increases were in the industrial, agricultural and domestic trade sectors. The growth rates achieved during that period led to a restructuring of the GDP, since the agricultural sector's contribution thereto increased from 21 per cent in 1985 to 30.8 per cent in 1993.

12. In 1997, national income totalled LS 686.8 billion and the per capita share thereof amounted to LS 45,483.

13. Since the 1960s, the Syrian Arab Republic has been applying the principle of comprehensive economic planning. The first five-year plan covered the period 1960-1966 and the seventh five-year plan is currently being implemented. The principal objective of these plans has been to consolidate the foundations of social justice and achieve economic development through agrarian reform, full exploitation of water resources, the establishment of an industrial base, rural development and redistribution of national income.

(d) The political structures and the Constitution

14. The Syrian Arab Republic is a democratic, people's socialist State which forms part of the Arab nation (art. 1 of the Constitution). Its system of government is republican and sovereignty is exercised by the people (art. 2 of the Constitution). The Arab Baath Socialist Party is the leading party, both in society and in the State, and heads a National Progressive Front which is endeavouring to mobilize the combined capacities of the masses in furtherance of the objectives of the Arab nation (art. 8 of the Constitution). This Front currently comprises

seven parties, including the Baath Party. The People's Assembly is a democratically elected body through which citizens exercise their rights in regard to governance of the State and the guidance of society (art. 10 of the Constitution).

(e) General legal framework

15. Liberty is a sacred right and the State has an obligation to safeguard the personal liberty, dignity and security of its citizens (art. 25, para. 1). The rule of law is a fundamental principle in society and the State (art. 25, para. 2). All citizens are equal before the law in regard to their rights and obligations (art. 25, para. 3). Every citizen has the right to participate in political, economic, social and cultural life (art. 26). Citizens exercise their rights and enjoy their freedoms in accordance with the law (art. 27). No one may be investigated or arrested except as provided by law (art. 28, para. 2). No one may be subjected to physical or mental torture or degrading treatment, the perpetrators of which are liable to the legally prescribed penalties (art. 28, para. 3). The right of legal remedy, defence and appeal is guaranteed by law (art. 28, para. 4). There is no crime or punishment except as defined by law (art. 29). Homes are inviolable and may neither be entered nor searched except in the legally specified circumstances (art. 31).

16. The confidentiality of postal and telegraphic communications is guaranteed in accordance with the provisions of the law (art. 32). No citizen may be expelled from the national territory (art. 33, para. 1). Every citizen has the right to liberty of movement within the territory of the State (art. 33, para. 2). Freedom of belief is inviolable and the State respects all religions (art. 35, para. 1). The State guarantees full freedom of religious observance, provided that it is not prejudicial to public order (art. 35, para. 2). Every citizen has the right to express his opinion freely and publicly either orally, in writing or through any other means of expression and the State guarantees freedom of the press and freedom of printing and publication in accordance with the law (art. 38). Citizens have the right to assemble and demonstrate peacefully in a manner consistent with the principles of the Constitution, the exercise of this right being regulated by the law (art. 39). Military service is compulsory (art. 40, para. 2).

17. The People's Assembly exercises the following powers:

(a) Nomination of the President of the Republic.

(b) Approval of legislation.

(c) Discussion of government policy.

(d) Approval of the public budget and development plans.

(e) Ratification of international treaties and conventions.

(f) Approval of general amnesties.

(g) Withdrawal of confidence in the Government or any of its Ministers (art. 71 of the Constitution).

18. There is a Supreme Constitutional Court consisting of five members, one of whom is its president, who are appointed by a decree promulgated by the President of the Republic (art. 139). One of the functions of the Supreme Constitutional Court is to investigate any complaints contesting the validity of the election of members of the People's Assembly and to report to the Assembly on the results of its investigation (art. 144). The Supreme Constitutional Court also examines and rules on the constitutionality of legislation.

(f) Conventions to which Syria has acceded

19. Syria is a party to a large number of international instruments which make provision for many rights and obligations in order to ensure respect for human dignity and basic human rights. These instruments include:

The International Covenant on Economic, Social and Cultural Rights of 16 December 1966.

The International Covenant on Civil and Political Rights of 16 December 1966.

The International Convention on the Elimination of All Forms of Racial Discrimination of 31 December 1965.

The International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November 1973.

The International Convention against Apartheid in Sports of 10 December 1985.

The Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1949.

The Convention on the Rights of the Child of 30 November 1989.

The Slavery Convention of 1926.

The Protocol of 1953 amending the Convention of 1926.

The Slavery Convention of 1926, as amended.

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956.

The four Geneva Conventions of 1949 and the First Additional Protocol of 1977.

20. Syria has also acceded to 46 international conventions adopted by the International Labour Organization on the rights of workers and trade-union freedoms, in addition to numerous international conventions adopted by UNESCO on cultural and intellectual human rights.

(g) Independence of the judiciary

21. Article 131 of the Constitution stipulates that: "The judiciary shall be independent, its independence being guaranteed by the President of the Republic with the assistance of the Higher Council of the Judiciary". Article 133, paragraph 1, further stipulates that: "Judges shall be independent and, in their administration of justice, shall be subject to no authority other than the law".

22. Article 137 stipulates that: "The Department of Public Prosecutions shall be a separate judicial body, headed by the Minister of Justice, the functions and powers of which shall be regulated by law".

23. Article 142 stipulates that: "The members of the Supreme Constitutional Court shall be removable from office only in the manner provided by law".

24. Article 145 stipulates that the Supreme Constitutional Court shall examine and rule on the constitutionality of legislation in accordance with the provisions of paragraphs 1, 2 and 3 of that article.

PART II

Article 1

25. As a founding member of the United Nations, Syria exercises and applies the right of peoples to self-determination in accordance with the purposes and principles of the Charter of the United Nations under which all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

26. Syria's support for the relevant General Assembly resolutions, particularly resolution 514 (XV) of 14 December 1960 and the subsequent resolutions, confirms its commitment to defend the principles of international law and especially those concerning self-determination in accordance with the Charter of the United Nations.

27. Syria affirms its commitment to respect the exercise of the right to self-determination in accordance with the above-mentioned resolution and article 1 of the Covenant since the exercise of this right by peoples furthers peaceful solutions based on justice, compliance with the Charter and relevant resolutions of the United Nations, international law and the promotion of democracy and sustainable economic development. Syria has diligently contributed to the international community's endeavours to promote human rights and the right of peoples to exercise self-determination and freely dispose of their natural wealth and resources, particularly in the case of peoples struggling under the yoke of colonialism and foreign occupation. In fact, Syria attaches great importance to the right to self-determination, which forms a firm basis for respect for human rights. One of the guiding principles of Syria's foreign policy is defence of the right of peoples to self-determination and rejection of all forms of colonialism and racial segregation.

28. The democratic political life in the Syrian Arab Republic guarantees the enjoyment by the Syrian Arab people of their right to adopt the political and economic systems of their own free choice. This right is guaranteed by the Constitution, which stipulates that sovereignty is exercised by the people and that every individual has the right to participate in political, economic, social and cultural life and to vote and stand as a candidate in elections, etc.

Article 2

29. Syria ratified the International Covenant on Civil and Political Rights in 1969, since which time it has formed part of the country's domestic legislation. When the Republic's Constitution was drafted in 1973, the legislature showed due regard for the provisions of that Covenant and of other conventions and treaties which it had ratified. Accordingly, there is no conflict between the articles of the Constitution and the provisions of the Covenant. It is noteworthy that, in the event of conflict between any domestic legislation and the provisions of an international treaty to which Syria is a party, the provisions of the international treaty prevail. In its ruling No. 23, judicial year 31, the Court of Cassation stipulated that: "No domestic legislative enactment can lay down rules that conflict with the provisions, or even indirectly affect the enforceability, of a prior international treaty". Article 25 of the Syrian Civil Code further stipulates that: "The provisions of articles that are superseded by, or conflict with, an international treaty in force in Syria shall cease to apply". Furthermore, article 311 of the Syrian Code of Criminal Procedure stipulates that: "The above rules shall apply without prejudice to the provisions of treaties concluded in this connection between Syria and other States".

30. Syria has justifiably been called the "land of civilizations" since, for thousands of years, numerous civilizations have merged in its territory, which is inhabited by citizens of various racial and religious origins. Consequently, the phenomenon of discrimination or preference on grounds of race, religion or colour is unknown and alien to Syrian society.

31. These social values are reflected in the Republic's Constitution, article 25 of which stipulates that citizens are equal before the law in regard to their rights and obligations and every citizen has the right to participate in political, economic, social and cultural life, this right being regulated by law. However, notwithstanding the absence of any form of discrimination in Syrian society, the legislature has taken preventive measures to deter any attempt to promote discrimination. Article 307 of the Penal Code prescribes a penalty of imprisonment for six months to two years, together with a fine of LS 100-200, for any act that is intended to instigate confessional or racial bigotry or provoke conflict among the various communities and component elements of the nation or which results in such instigation or provocation. Article 308 prescribes the same penalty for anyone belonging to an association that has been established for the above-mentioned purpose and also makes provision for the dissolution of the association and the confiscation of its property.

32. All citizens, regardless of their occupational or social status, have a legally guaranteed right to seek legal remedy in respect of any act of injustice committed against them. Article 319 of the Penal Code stipulates that: "Any act that is likely to prevent a Syrian from exercising his civil rights or fulfilling his civil obligations shall be punishable by detention for a term of one month to one year". Article 57 of the Syrian Code of Criminal Procedure is also explicit in this regard, since it affirms that: "Anyone who deems himself to be the victim of a felony or a

misdemeanour has the right to file a complaint with the Department of Public Prosecutions, which has an obligation to institute public proceedings if the complainant brings a personal action". In regard to the exercise of this right, the Code makes no distinction between one person and another on grounds of colour, gender, race, religion, language or even nationality and this legal right applies to any offence committed against the claimant.

33. Any violation of the constitutional rights recognized in the Covenant is an offence punishable under the Penal Code. In order to deter officials from any abuse of their authority or influence, Syrian law regards abuse of authority as an aggravating circumstance that merits a heavier penalty insofar as article 367 of the Penal Code stipulates that: "With the exception of cases in which the law imposes special penalties for offences committed by officials, those of them who commit any offence in their official capacity or by abusing the authority or influence derived from their posts, through incitement, collusion or involvement, merit the heavier penalties prescribed in article 247". The judiciary, which is an independent authority in accordance with the Constitution and Act No. 98/61, as amended, adjudicates in any dispute brought before it as a result of a complaint concerning any violation of the rights of citizens. Moreover, under the terms of a Presidential Decree promulgated in 1970, President Hafez al-Assad established a Complaints Bureau, supervised by the Ministry of Presidential Affairs, which receives and investigates complaints and grievances from citizens, takes appropriate action thereon and submits a monthly report to the President of the Republic, thereby ensuring that all citizens enjoy the right to lodge a complaint in respect of any violation of their rights or freedoms. The rule of law is paramount in the Syrian Arab Republic since article 25, paragraph 2, of the Constitution stipulates that: "The rule of law is a fundamental principle in society and the State, and the State guarantees the principle of equal opportunities". Article 28, paragraph 4, further stipulates that: "The right of legal remedy, defence and appeal shall be guaranteed by law". In Syria, judicial or administrative decisions or notifications cannot disregard or exceed the provisions of the law since they must confirm, and be in harmony with, those provisions. Accordingly, they ensure the implementation of judgements handed down in favour of injured parties.

Article 3

34. The provisions of the Syrian Constitution clearly apply to every citizen, without distinction on grounds of race, colour, gender, language, religion or political opinion. Consequently, as a matter of principle, Syrian legislation does not discriminate between men and women since women, in their capacity as members of society, enjoy the same constitutional, legal and political rights as men.

35. In the labour sector, for example, article 1 of the Labour Act No. 91 of 1959, as amended, defines "employer" as any individual or body corporate employing one or more workers for any form of remuneration.

36. It is noteworthy that the concept of the personality of the employer is expressed in absolute terms which apply equally to men and women. This is also true of the definition of "agricultural employer" contained in article 4 of the Agricultural Relations Act No. 134 of 1985, as amended.

37. This equality between men and women is also enshrined in the definition of "worker" contained in article 2 of the above-mentioned Labour Act which stipulates that: "A worker shall be understood to mean any male or female working for any form of remuneration ...". Article 5 of the Agricultural Relations Act likewise defines an agricultural worker as "any man, woman or adolescent engaged in remunerated agricultural work for an agricultural employer or a farmer ...".

38. Article 1 of the Civil Service Statutes (Act No. 1 of 1985) defines "civil servant" in absolute terms that apply to both men and women since, in accordance with that definition, a civil servant is "anyone appointed to a post for which provision is made in the organizational structure of a public body".

39. This equality is explicitly confirmed in article 130 of the Labour Act which stipulates that: "Without prejudice to the provisions of the following article, all the stipulations regulating the employment of male workers shall also apply, without discrimination, to female workers performing the same type of work".

40. This equality between men and women is further confirmed by Legislative Decree No. 4 of 1972 under which female employees are entitled to the same family allowances as male employees in the circumstances specified therein.

41. The Social Insurance Act No. 92 of 1959 likewise places men and women on an equal footing in regard to all insurance benefits.

42. In actual practice, we find that, under the provisions of the above-mentioned legislation, women enjoy the same employment opportunities as men and have equal access to public office in the various sectors, where they are employed on the same terms and conditions and receive the same wages. In this connection, it should be noted that women occupy numerous senior and high-ranking posts in Syria's Administration and in its health and educational institutions.

43. We also find that men and women enjoy equal opportunities in the political sphere since the Electoral Law promulgated in Legislative Decree No. 26 of 1973 grants women the right to vote in public elections and to stand as candidates in elections to the People's Assembly where they currently constitute 10.4 per cent of the total membership.

44. In this regard, we also wish to point out that there is nothing to prevent women from occupying ministerial posts. At the present time, women hold the ministerial portfolios for culture and higher education.

45. Finally, it should be noted that the Women's Federation, which was established under the terms of Act No. 33 of 1975, as amended, as a Syrian popular organization enjoying independent corporate personality and financial autonomy, is playing an effective role in Syrian political life through participation in the formulation of development plans and programmes on an equal footing with other popular organizations such as the General Federation of Trade Unions, the General Federation of Farmers and the Federation of Craftsmen.

46. There is no inconsistency between articles 25 and 45 of the Constitution since article 25, which provides for equality among citizens in regard to their rights and obligations, does not prevent the State from making every endeavour to promote the advancement of women and their participation in development. This does not imply that women are deprived of their rights. Article 45 concerns endeavours to promote the advancement of women in the cultural and social fields, while article 25 makes provision for equality in regard to any dispute concerning their rights or obligations. The two cases are different.

47. Women are fully entitled to seek to eliminate any obstacles impeding their enjoyment of their rights. In fact, one of the tasks of the Women's Federation is to defend women's rights if they are obstructed in any way.

Articles 4 and 5

48. The State of Emergency Act, which was promulgated in Legislative Decree No. 51 of 22 December 1962, as amended by Legislative Decree No. 1 of 9 March 1963, and which is currently in force in the Syrian Arab Republic, is an exceptional constitutional regime, based on the concept of an imminent threat to the country's integrity, under which the competent authorities are empowered to take all the measures provided by law to protect the territory, territorial waters and air space of the State, in whole or in part, from the dangers arising from external armed aggression by transferring some of the powers of the civil authorities to the military authorities. Article 1 of this Act specifies the reasons justifying its promulgation by stipulating that a state of emergency can be proclaimed in the event of war, a situation entailing the threat of war or a situation in which security or public order in the territory of the Republic, or any part thereof, is jeopardized by internal disturbances or the occurrence of general disasters.

49. Since 1948, the Syrian Arab Republic, which was a founding member of the United Nations, has been subjected, like other neighbouring Arab States, to a real threat of war by Israel and, on many occasions, this threat of war has culminated in actual aggression against the territory, territorial waters and air space of the Syrian Arab Republic, particularly in 1967 when Israel seized part of the territory of the Syrian Arab Republic, which it is still occupying, and expelled a large proportion of its population.

50. This state of affairs, consisting in a real threat of war, the continued occupation of part of the territory of the Syrian Arab Republic and the existence of a real threat of seizure and ongoing occupation of further land in violation of United Nations resolutions, gave rise to an exceptional situation that necessitated the rapid and extraordinary mobilization of forces in the Syrian Arab Republic and, consequently, the promulgation of legislation to ensure the Administration's ability to act rapidly in the face of these imminent threats when application of the ordinary legislation cannot guarantee rapid action in such circumstances. Accordingly, there was a need to promulgate this Act and maintain it in force. It should be borne in mind that all countries of the world have applied exceptional legislation, in one form or another, when they were faced with a state of war or a threat of war in order to protect their national security. This is a fundamental right recognized in the International Covenant on Civil and Political Rights, article 4 of which stipulates that: "In time of public emergency which threatens the life of the

nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation".

51. Under the terms of article 4 of the Emergency Act, the Martial Law Administrator, the Prime Minister or his deputy (the Minister of the Interior) are empowered to issue written orders for the adoption of measures, restriction of the liberty of persons, censorship of correspondence, communications and the information media, specification of the opening and closing times of public establishments, withdrawal of firearms and ammunition licences, evacuation or isolation of certain areas, appropriation of movable or immovable property, placement of companies under State control and prescription of penalties, up to a maximum of three years' imprisonment and a fine of LS 3,000, for any violation of those orders. All the decisions of the Martial Law Administrator are administrative decisions and, as such, can be annulled by the administrative courts if they are found to be legally flawed. In fact, the administrative courts have annulled a number of decisions taken by the Martial Law Administrator which were challenged by citizens who had suffered prejudice as a result thereof.

52. In principle, the composition of the Higher State Security Court and the procedures that it applies do not differ from the composition and procedures of the ordinary courts empowered to hand down final judgements. The Higher State Security Court consists of two divisions, each of which comprises three judges, two of whom are civilians and the third a military judge. The presence of the military judge on the bench is intended solely to ensure the Court's competence to hear cases involving military personnel who might be brought before it on charges relating to the Code of Military Justice in order to cover all aspects and all stages of the trial proceedings in a uniform manner. This is consistent with the legislation in force concerning the composition of the courts of cassation, in which a military judge also sits for the same above-mentioned reasons. The military judges assigned to these courts do not act in any military capacity during the trial proceedings.

53. In view of the sensitive nature of the cases referred to the Higher State Security Court, its judgements are final but are not enforceable until they have been ratified by the Head of State who, by law, has the right to annul the judgement, order a retrial or a stay of proceedings or reduce or commute the penalty. This provides an indication of the legislature's desire to safeguard the country's security and integrity in the exceptional circumstances with which it is faced and which necessitated the promulgation of the Emergency Act.

54. In accordance with article 7 of Decree No. 47/68 under which the Higher State Security Court was established, defendants appearing before this Court enjoy the same guaranteed right of defence that they would have before the ordinary courts.

55. Finally, it should be noted that, although the Emergency Act remains in force, in actual fact it is virtually in abeyance since it is applied only in a limited number of cases solely involving offences against the security of the State in keeping with the directives which the President of the Republic announced before the People's Assembly to the effect that this Act should be applied to the minimum extent and with great circumspection.

PART III

Article 6

56. Since the right to life is one of the most sacred human rights, the Syrian legislature has taken care to prescribe the severest penalties for anyone who deprives a human being of this right. In fact, the penalty for intentional homicide ranges from life imprisonment with hard labour to capital punishment (arts. 533, 534 and 535 of the Penal Code).

57. The death penalty is applied in a manner consistent with the provisions of article 6 of the Covenant, as can be seen from the following:

58. Offences committed against persons

Article 535 of the Penal Code prescribes the death penalty for homicide if it is committed:

(a) Wilfully;

(b) In preparation for, or during the commission of, a felony or with a view to facilitating the flight of the instigators, perpetrators or abettors of a felony or enabling them to evade punishment;

(c) Against any of the offender's ascendants or descendants.

59. Offences committed against public or private property

Article 577 of the Penal Code prescribes the death penalty for an act of arson that leads to loss of life in the circumstances specified in articles 573 and 574. Article 573 refers to "a deliberate act of arson in a building, factory, workshop or warehouse, in any inhabited or uninhabited property situated in a town or village, in a train, railway carriage or vehicle transporting one or more persons other than the offender, in a ship sailing or moored in any harbour or in an aircraft flying or parked at an airport, regardless of whether or not the offender owns them". Article 574 refers to "a deliberate act of arson in a building that is inhabited or ready for habitation outside populated areas, or in a forest, woodland, orchard or farmland before the crop has been harvested, regardless of whether or not the offender owns them".

60. Political offences

(a) Any Syrian who bears arms against Syria in the ranks of the enemy (art. 263, para. 1, of the Penal Code);

(b) Any Syrian who conspires or enters into contact with a foreign State with a view to inciting it to commit aggression against Syria or providing it with the means to do so, provided that his act produces an effect (art. 264 of the Penal Code);

(c) Any Syrian who conspires or enters into contact with the enemy with a view to helping, in any manner whatsoever, to ensure the triumph of its forces (art. 265 of the Penal Code);

(d) Any Syrian who, with a view to paralysing the country's national defence, in any way damages installations, facilities, ships, aircraft, equipment, supplies, provisions, communications or anything of a military nature or intended for use by the armed forces, provided that such acts take place in time of war or the expected outbreak thereof, or if they lead to the death of any person (art. 266 of the Penal Code);

(e) Any act of aggression designed to provoke civil war or intercommunal strife by arming Syrians, encouraging them to bear arms against each other or instigating mass murder or the looting of commercial premises, provided that such acts achieve their aim (art. 298 of the Penal Code);

(f) Any group of three or more persons roaming the public highways and countryside in the form of armed gangs seeking to rob passers-by, attack persons and property or commit any other act of banditry and any member of such a group who, during the commission of such a felonious act, kills or attempts to kill or subjects a victim to torture or barbaric treatment (art. 326, para. 3, of the Penal Code);

(g) Any member of the armed forces who commits the offence of desertion to the enemy (art. 102, para. 1, of the Code of Military Justice);

(h) Anyone who deserts, through a conspiracy, in the face of the enemy, or who leads a conspiracy to flee the country, in time of war (art.103, para. 5, of the Code of Military Justice);

(i) Any member of the armed forces who refuses to obey an order to attack the enemy or insurgents (art. 112 (e) of the Code of Military Justice);

(j) Insubordination or rebellion in the face of the enemy (art. 113, para. 7, of the Code of Military Justice);

(k) Acts of incitement to insubordination under martial law or in wartime (art. 114, para. 3, of the Code of Military Justice);

(l) Anyone who subjects a wounded or sick soldier to acts of violence that aggravate his situation with a view to rendering him defenceless in an area of operations of a military combat force (art. 132 (b) of the Code of Military Justice);

(m) Any member of the armed forces who, intentionally and in any way whatsoever, burns, destroys or damages buildings, installations, warehouses, water supply lines, railway lines, telegraph or telephone lines or exchanges, air bases or airports, ships, steamers, vehicles, any immovable army property or anything used for purposes of national defence (art. 137 of the Code of Military Justice);

(n) Any Syrian soldier or soldier in the service of Syria who bears arms against Syria and any prisoner who is recaptured after breaking a pledge to refrain from bearing arms (art. 154 of the Code of Military Justice);

(o) Any member of the armed forces who surrenders to the enemy, or in the interests of the enemy, the troops under his command or at the position assigned to him, army weapons, ammunition or supplies, maps of military positions, factories, harbours and docks, secrets of military operations, campaigns or negotiations, and any member of the armed forces who enters into contact with the enemy in order to facilitate the latter's operations or who takes part in a conspiracy designed to influence the decisions of the competent military commander (art. 155 of the Code of Military Justice);

(p) Anyone who, in wartime or in an area in which martial law has been proclaimed, intentionally aids the enemy, causes harm to the army or to the forces of allied Governments, divulges a secret, a signal, a directive or a password for sentries or guard posts, falsifies service-related news or orders in the face of the enemy, guides the enemy to positions held by forces of the army or of allied States, guides the said forces in a wrong direction, spreads panic in a Syrian military unit or causes it to carry out incorrect movements or operations or prevents dispersed troops from regrouping (art. 156 of the Code of Military Justice);

(q) Any member of the armed forces who commits the acts of espionage referred to in articles 158, 159 and 160 of the Code of Military Justice;

(r) Anyone who opposes the aims of the Revolution as set forth in article 3, paragraphs (a) and (b), of Legislative Decree No. 6 of 7 January 1965, as amended, which prescribes a heavier penalty, or who contravenes paragraphs (f) and (g) of that article (article 4 (a) of Legislative Decree No. 6 stipulates that anyone who commits any of the acts referred to in paragraphs (a) and (b) of the preceding article 3 shall be liable to a penalty of life imprisonment with hard labour or to the more severe penalty of death);

(s) Anyone who, at the instigation of or in collusion with a foreign body, attacks any of the Party's offices, if the said act leads to loss of life (art. 10 of Act No. 53 of 8 April 1979);

(t) Anyone who joins the Muslim Brotherhood organization (art. 10 of Act No. 49 of 8 July 1980).

61. The Narcotic Drugs Act No. 2 of 1993 also makes provision for the death penalty in the following articles:

Article 39 (a): The death penalty shall be imposed on anyone who commits the following acts:

(i) The smuggling of narcotic substances;

(ii) The illicit fabrication of narcotic substances;

(iii) The illicit cultivation of plants listed in Schedule No. 4, the smuggling of such plants at any stage of their development or the smuggling of their seeds.

(b) If mitigating circumstances can be invoked, the court may commute the death penalty to life imprisonment.

62. Mitigating circumstances are inadmissible in the following circumstances:

(a) Repeated commission of any of the offences referred to in this article or in article 40 of this Act. Final foreign convictions for similar offences shall constitute evidence of a repeated offence;

(b) Commission of the offence by a civil servant assigned to combat drug-related offences;

(c) Use of a minor to commit any of the offences referred to in this article;

(d) Commission of any of these offences by a person belonging to, working for or collaborating with an international drug-smuggling ring;

(e) Exploitation by the offender of his official authority, position or legal immunity in order to commit, or facilitate the commission of, any of the offences referred to in this article.

63. Article 40 (a):

(i) Anyone who possesses, acquires, purchases, sells, delivers, receives or traffics in narcotic substances or plants listed in Schedule No. 4, or who cedes them, acts as an intermediary therein or offers them for consumption with a view to trafficking therein, in an illicit manner;

(ii) Anyone who transports narcotic substances or plants or the seeds of plants listed in Schedule No. 4 if he is aware that he is transporting narcotic substances for purposes of illicit trafficking therein;

(iii) Anyone who, being authorized to possess or use narcotic substances for a specific purpose, disposes of them in a manner inconsistent with that purpose;

(iv) Anyone who manages, prepares or makes available premises in which drugs can be consumed in return for payment.

Article 40 (b):

The penalty shall be capital punishment in the cases referred to in subparagraphs (i) to (v) of paragraph (b) of the preceding article 39. The same shall apply if the offences referred to in

these articles are committed in educational establishments or their service facilities, in cultural, sports or reform institutions, in houses of worship, in camps or prisons or detention centres or in the immediate vicinity of educational establishments or camps.

64. Article 50 prescribes the death penalty for anyone who intentionally kills a civil servant responsible for the implementation of the Act during or by reason of his discharge of his duty.

65. The death penalty can be imposed only for an offence that was punishable by this penalty at the time of its commission. However, the offender benefits from the most lenient legislation, even if it is promulgated after his commission of the offence. No penalty that was not prescribed at the time of commission of the offence can be imposed (art. 6 of the Penal Code). No legislation prescribing a heavier penalty can be applied to offences committed before its entry into force (art. 8 of the Penal Code).

66. Accordingly, a penalty that is less severe than capital punishment can be imposed if new legislation abolishes the death penalty for the offence in question or prescribes an alternative penalty, since any offence punishable by a penalty or a preventive or reform measure that has been abolished by new legislation no longer has any legal standing and criminal sentences imposed in respect thereof are no longer enforceable (art. 2 of the Penal Code). Any new legislation that abolishes or reduces a penalty applies to offences committed prior to its entry into force unless they formed the subject of a final judgement (art. 8 of the Penal Code).

67. A death sentence cannot be imposed for offences committed by a person under 18 years of age (art. 29 (a) of the Juveniles Act).

68. The law does not specify a maximum age beyond which the death penalty cannot be imposed or carried out. However, since many legal systems specify such a maximum age, the Ministry of Justice is studying a bill of law which sets a maximum age beyond which the death penalty cannot be imposed or carried out.

69. A death sentence imposed on a pregnant woman is not carried out until her delivery (art. 43, para. 4, of the Penal Code and art. 454, para. 4, of the Code of Criminal Procedure). Death sentences are not carried out on Fridays, Sundays or official or religious holidays (art. 454, para. 3, of the Code of Criminal Procedure).

70. In judicial practice, death sentences are rarely imposed on pregnant women and no death sentence has been carried out in Syria on a pregnant woman or young mother after her delivery.

71. Anyone found to be insane at the time of commission of an offence is exempted from the penalty (art. 230 of the Penal Code). If the offender is afflicted with insanity after committing an offence, during the investigation or trial or after sentencing, enforcement of the penalty is deferred until he is cured. The customary practice is consistent with the provisions of the law in this regard.

72. Impaired discretion or mental capacity at the time of commission of an offence constitute grounds for the imposition of a lesser penalty. Consequently, a mentally retarded person who commits an offence punishable by death is liable only to a lesser penalty (arts. 232 and 233 of the Penal Code).

73. There is no special law of evidence concerning offences punishable by death. The Syrian judiciary applies the principle of moral certainty under which the judge has full discretion to admit evidence that satisfies his conscience, subject to the general rule that the accused should benefit from any reasonable doubt. There are numerous instances in which, due to doubts concerning the evidence presented in court, the Syrian judiciary has acquitted persons of crimes that might have been punishable by death.

74. No death sentence has ever been carried out on an offender against whom a final judgement has not been handed down or before completion of the legal procedures needed to confirm its enforceability after it has become final.

75. The death penalty is not carried out on a person sentenced thereto until the Board of Special Pardons, consisting of five judges, has been consulted. Execution of the sentence must also be approved by the President of the Republic in a decree ordering its execution at a specified time and place.

76. This particularity applies only to death sentences, other penalties being governed by the general constitutional provisions concerning presumption of innocence until guilt is proven.

77. Under the terms of the Code of Criminal Procedure, promulgated in Legislative Decree No. 112 of 13 March 1950, as amended, every accused person has a guaranteed right to be informed of the charge brought against him and the evidence presented in substantiation thereof. He is given sufficient time and means to prepare his defence and contact a lawyer and has the right to a trial without undue delay since the Code does not allow the judge to delay the settlement of a dispute or the collection of evidence therein. Trials are normally held in the presence of the accused but, if he is unable to attend, he can be tried in absentia. At trials attended by persons accused of a felony, the latter have the right and the obligation to avail themselves of the services of a lawyer and, if they fail to do so, a lawyer is appointed by the court.

78. Under the legal aid system, the Bar Association designates a lawyer to defend an accused person at no cost to himself. The accused person can summon witnesses and present any evidence that might help to substantiate his pleas. He can also present arguments based on this evidence and contest the evidence presented by his adversaries.

79. All the proceedings must be translated into a language that the accused understands and, to this end, the court assigns an interpreter through whom he is informed of the trial proceedings. The Code does not permit the extortion of confessions, nor does it allow the accused to testify against himself. He is merely questioned about the events, which he is totally free to deny or admit. The accused also has the right to lodge an appeal with the Court of Cassation against any criminal sentence within one month from the date on which it is handed down in his presence.

80. Death sentences are carried out by hanging in the case of ordinary persons, or by firing squad in the case of military personnel, with the minimum amount of suffering. They are carried out in the prison unless a public execution is ordered by decree. The execution is attended by the president of the judicial body that passed the sentence or by a judge chosen by the Attorney-General or one of his assistants, and also by the president of the court of first instance, the clerk of the court that passed the sentence, the convicted person's lawyer, a minister of religion, a physician, the prison warden and a police officer. The last death sentence imposed in Syria was handed down on 2 August 1987 against Samih Fahd Awwad, who was found guilty of felonious complicity in the murder of his father. The last judgement confirming a death sentence was handed down on 6 June 1993 against the same person.

81. The Syrian legislation in force provides all the guarantees needed to safeguard the rights of persons facing the death penalty as such persons can lodge an appeal with the Court of Cassation against their sentence and, if they fail to lodge such an appeal, article 240 of the Code of Criminal Procedure places the Department of Public Prosecutions under an obligation to lodge an appeal on their behalf. Even if the Court of Cassation upholds the sentence, it cannot be carried out until the Board of Special Pardons, consisting of five judges, has been consulted (art. 459 of the Code of Criminal Procedure). The next stage preceding enforcement of the death sentence is approval by the President of the Republic, who has the constitutional right to grant a pardon. Any person sentenced to death is entitled to apply to the Head of State for a pardon and may renew his application after one year in the event of its rejection.

82. There is always the possibility of applying for a special pardon or commutation of a death penalty, as there are no specific offences which cannot be pardoned. This applies to all cases in which death sentences are imposed. A special pardon can be requested after a death sentence has been imposed until the time when it is carried out.

83. Accordingly, in Syria death sentences are not carried out until the file has been examined by a number of judicial and legal bodies and any person sentenced to this penalty therefore enjoys a number of safeguards that usually protect him from any judicial error.

84. The surveys conducted by the Ministry of Justice of the Syrian Arab Republic confirm that the number of cases in which death sentences are imposed or carried out is very limited due to the judicial and legal procedures that their enforcement requires, as well as the general amnesty decrees that are regularly promulgated. In actual practice, this penalty is applied only in very rare cases involving heinous offences the circumstances of which preclude any prospect of the offender's reform (Justice 98).

Article 7

85. Article 28, paragraph 3, of the Syrian Constitution stipulates that: "No one may be subjected to physical or mental torture or degrading treatment, the perpetrators of which shall be liable to the legally prescribed penalties."

86. Under the legislation in force, it is prohibited to subject an accused or convicted person, or any person under judicial investigation, to any mental or physical pressure with a view to the extortion of a confession or information. Article 391 of the Penal Code stipulates as follows:

"1. Anyone who subjects a person to illegal acts of violence with a view to obtaining from him a confession to an offence or information pertaining thereto shall be liable to a penalty of detention for a term of three months to three years.

2. If such acts of violence cause sickness or wounds, the minimum penalty shall be one year's detention."

87. Any act that is likely to prevent a Syrian from exercising his civil rights or fulfilling his obligations is punishable by detention for a term of one month to one year if it is committed through the use of threats, violence or any means of physical or mental coercion (art. 319 of the Penal Code).

88. The courts look into any allegation by a citizen concerning his subjection to physical or mental torture or degrading treatment, award appropriate compensation and impose the prescribed penalty. A number of complaints in this connection have been brought against police officers, who have been punished and ordered to pay compensation.

89. Anyone claiming to be the victim of such illegal acts merely has to file a complaint with the Department of Public Prosecutions, bring a personal action and pay the security in respect of legal costs and prosecution of a civil servant, the amounts of which are assessed by the judicial authority. The Department of Public Prosecutions then has an obligation to institute public proceedings before the competent judicial body (art. 5 of the Code of Criminal Procedure).

90. The Complaints Bureau attached to the Office of the President of the Republic investigates complaints from citizens claiming to be the victims of torture or cruel or inhuman treatment and takes the necessary action in regard thereto.

Article 8

91. Article 25 of the Constitution stipulates that "Freedom is a sacred right and the State has an obligation to safeguard the personal liberty, dignity and security of its citizens", "All citizens are equal before the law in regard to their rights and obligations" and "The State shall safeguard the principle of equality of opportunity for its citizens".

92. Article 555 of the Penal Code prescribes a penalty of detention for a period of six months to two years for anyone who in any way deprives another person of his personal liberty.

93. Accordingly, there is no form of slavery in Syria, as all citizens are equal before the law and Syria is a party to all the international conventions and instruments prohibiting Slavery, particularly the Slavery Convention of 1926, as amended, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956.

94. The penalty of imprisonment with hard labour, as provided for in the Penal Code, is in keeping with article 8, paragraph 3 (b), of the Covenant as article 45 of the Penal Code stipulates that: "A person sentenced to imprisonment with hard labour shall be compelled to perform strenuous work, consistent with the said person's gender and age, in or outside the prison."

95. The Prison Regulations promulgated in Decree No. 1222 of 1929, as amended, set forth the principles governing work in prisons (arts. 93-100). Under the terms of Legislative Decree No. 139 of 1935, prisoners may also be required to engage in building work, tree planting and road construction, maintenance, repair and sign-posting work in return for payment. Persons sentenced to imprisonment with hard labour are not required to engage in other forms of work not provided for in the Prison Regulations, any infringement of which is punishable, under the Penal Code, as an abuse of authority and a breach of the law.

96. By law, juveniles over 15 years of age cannot be sentenced to a penalty of imprisonment with hard labour, being liable only to a penalty of confinement in a juvenile reform institution (art. 30 of the Juveniles Act No. 18 of 1974, as amended).

Article 9

97. As already indicated, freedom is a sacred right guaranteed by the Constitution and the law (arts. 424 and 425 of the Code of Criminal Procedure). By law, no one can be detained without charge, since this would constitute the punishable offence of illegal deprivation of liberty.

98. Article 357 of the Penal Code stipulates that: "Anyone who arrests or detains a person in circumstances other than those provided for by law shall be liable to a term of imprisonment with hard labour." Under article 358, any warden or guard of a prison or a disciplinary or reform institution, and any official vested with their powers, who admits a person into the institution without a court order or instruction or who retains a person therein for a period longer than that ordered is liable to a penalty of detention for one to three years.

99. Syrian law ensures the expeditious implementation of measures in the interests of the accused. For example, article 104 of the Code of Criminal Procedure places the examining magistrate under an obligation to promptly question an accused person who has been summoned to appear before him. Any suspect who is arrested under the terms of a warrant must be questioned within 24 hours from the time of his arrest and, on the expiration of this deadline, the senior officer at the police station automatically sends the suspect to the public prosecutor, who requests the examining magistrate to question the suspect. If the examining magistrate is absent or refuses to question him, the public prosecutor requests another examining magistrate, a president of a court of first instance or a justice of the peace to question him and, if they are unable to do so, the public prosecutor must release the suspect immediately.

100. Under article 115 of the Code of Criminal Procedure: "Anyone arrested under the terms of a warrant must be taken, without delay, to the public prosecutor in the district of the examining magistrate who issued the warrant and the public prosecutor must provide the arresting officer with a receipt of delivery of the suspect, after which the latter is remanded in custody and the examining magistrate is duly notified."

101. Under article 116 of the Code, any failure to observe the above instructions in summonses, processes and arrest warrants must be immediately notified to the public prosecutor and the examining magistrate and the clerk responsible therefor is liable to a fine.

102. Under article 117 of the Code, a person arrested on the charge of committing a misdemeanour for which the maximum penalty is one year's detention must be released within five days from the time of his arrest if he has a fixed abode in Syria and is not a repeated offender.

103. Article 122 sets a deadline of 24 hours for any appeal against a decision to release a suspect.

104. Under article 131 of the Code, the public prosecutor must make his requests known to the examining magistrate within a maximum of three days from the date on which he receives the file.

105. Under article 136, whenever the public prosecutor has reason to believe that a subject has committed a misdemeanour or a contravention, he must send the case file, together with the bill of indictment, to the clerk of the competent court within two days from the date of his receipt thereof.

106. Under article 137, if the examining magistrate deems the act allegedly committed by the suspect to be of a criminal nature, he must immediately order the dispatch of the investigation file to the public prosecutor so that the requisite indictment procedures can be completed.

107. Under article 140, any appeal against a decision by the examining magistrate must be lodged within 24 hours and notice thereof must be served within a similar period.

108. Under article 144, the public prosecutor must prepare his case within five days from the time of his receipt of the file and he must draw up his report within the following five days.

109. Under article 145, the judge to whom the case is referred must decide on the admissibility of the public prosecutor's requests either immediately or within three days.

110. Under article 158, the public prosecutor must draw up his report within five days from the time on which he receives the file from the judge to which it was referred.

111. Under article 161, the accused person must be sent to the place of custody at the criminal court within 24 hours from the time when he is notified of the decision to prosecute.

112. Under article 220, courts of conciliation must render judgement during the trial hearing or, at the latest, at their next session.

113. Under article 232, concerning trial procedures for misdemeanours committed in the presence of witnesses, the court must sit immediately or, at the latest, on the following day. Article 233 empowers the public prosecutor to summon the witnesses orally in such cases and article 234 does not permit a delay of more than three days.

114. Under article 235, if the court believes that the case is not ready for judgement it may postpone the trial until the first feasible date.

115. Under article 253, in the event of an appeal against its judgement, the court of first instance must transmit the file to the court of appeal within three days.

116. Under article 263, the president of the criminal court must question the accused on arrival and, under article 273, this must be done not later than 24 hours from the time of arrival of the accused at the place of custody.

117. Does anyone who has been the victim of unlawful arrest or detention have an enforceable right to compensation?

> The general rule, as stipulated in article 164 of the Civil Code, is that "anyone who causes harm to another has an obligation to pay compensation".

118. Under article 138 of the Penal Code and article 4 of the Code of Criminal Procedure, anyone who suffers detriment as a result of an offence has the right to apply to the courts to claim compensation for the damage suffered. The civil obligations in respect of which compensation can be awarded are specified in articles 129 to 146 of the Penal Code. Moreover, article 57 of the Code of Criminal Procedure stipulates that anyone who deems himself to be the victim of a felony or a misdemeanour has the right to file a complaint with the Department of Public Prosecutions, which has an obligation to institute public proceedings if the complainant brings a personal action.

119. This legal right can be exercised by any person, without distinction as to colour, gender, race, religion, language or nationality.

120. This right also applies to any offence committed against the victim. Since the rights recognized in the Covenant are also covered by the provisions of the Constitution, any violation thereof constitutes an offence under the Penal Code (arts. 319-324 and arts. 555 and 556).

Article 10

121. Article 28, paragraph 3, of the Syrian Constitution stipulates that: "No one shall be subjected to physical or mental torture or degrading treatment, the perpetrators of which shall be liable to the legally prescribed penalties."

122. Syrian law regards the decent treatment of prisoners as an obligation, as any abusive or degrading treatment constitutes a legally punishable offence. Article 391 of the Penal Code stipulates that "anyone who subjects a person to illegal acts of violence with a view to obtaining from him a confession to an offence or information pertaining thereto shall be liable to a penalty of detention for a term of three months to three years and, if the acts of violence against him lead to sickness or wounds, the minimum penalty shall be one year's imprisonment".

123. Under article 422 of the Code of Criminal Procedure, the well-being of persons held in places of custody and prisons must be verified once a month by the examining magistrate and the justice of the peace, and once every three months by the presidents of the criminal courts, who must also ensure that they are being treated in a decent manner. Article 30 of the Syrian Prison Regulations stipulates that it is prohibited for any prison officer or guard to treat detainees in a

harsh manner, give them derogatory nicknames, address them with foul language, make fun of them, force them to work for their personal benefit or require them to assist them in their work except in circumstances in which this is explicitly permitted.

124. Article 58 of the Penal Code stipulates as follows:

> "1. Anyone sentenced to a penalty of deprivation of liberty for not less than three months shall receive better treatment in prison as his behaviour improves.
>
> 2. This better treatment shall apply to food, type of work, working hours, the obligation to remain silent, recreation, visits and correspondence in accordance with the law concerning the enforcement of penalties."

125. The Syrian Prison Regulations guarantee health care for prisoners. The Regulations also lay down rules concerning the treatment of convicted persons which, in some respects, differs from the treatment of persons held in custody. This is in conformity with the provisions of the Constitution, article 28, paragraph 1, of which stipulates that an accused person is innocent until proved guilty.

126. Accordingly, accused persons are separated from convicts and are treated in a different manner consistent with their status as unconvicted persons. The Prison Regulations contain an entire section on the need to separate the various categories of detainees and the need to segregate males from females and juveniles from adult inmates.

127. In fact, section III of the Syrian Prison Regulations stipulates that segregation is compulsory in all prisons. Under article 32, all prisons must allocate completely separate cells for men and women in such a way as to prevent any contact between them. The following categories of detainees must also be segregated: (i) suspects and accused persons held in custody for legal indebtedness, insolvency or damages owed in respect of the commission of an indecent act; (ii) persons sentenced to a term of less than one year's detention for a misdemeanour, persons convicted of a misdemeanour or a felony who must be sent to a central prison, persons convicted of an indecent act and persons detained for a debt owed to the State in respect of a felony or misdemeanour; (iii) young detainees.

128. Segregation in medium-size prisons:

> Article 33: In medium-size prisons, detainees shall be segregated as follows to the extent permitted by the number of cells and guards:
>
> (i) Suspects, accused persons and persons held in custody for legal indebtedness, insolvency or damages owed in respect of the commission of an indecent act;
>
> (ii) Persons convicted of an indecent act;

(iii) Persons sentenced to a term of less than one year's detention for a misdemeanor, persons convicted of an indecent act and persons detained for a debt owed to the State in respect of a felony or misdemeanour;

(iv) Persons convicted of a felony or a misdemeanour who must be sent to a central prison;

(v) Young detainees.

129. Segregation in large prisons:

Article 34: In large prisons, the following categories shall be segregated, as far as possible, wherever the number of cells and guards permits:

(i) Suspects, accused persons and persons detained for legal indebtedness, insolvency or damages owed in respect of an indecent act who have no criminal record;

(ii) Suspects, accused persons and persons detained for legal indebtedness, insolvency or damages owed in respect of the commission of an indecent act who have a criminal record;

(iii) Persons sentenced to a term of less than one year's detention and persons detained for a debt owed to the State in respect of a felony or misdemeanour who have no criminal record;

(iv) Persons sentenced to a term of less than one year's detention and persons detained for a debt owed to the State in respect of a felony or misdemeanour who have a criminal record;

(v) Persons convicted of a misdemeanour who must be sent to a central prison;

(vi) Young detainees.

130. Segregation in the central prison:

Article 35: In the central prison, convicts shall be segregated as follows, subject to the provisions of article 32, paragraph 1:

(i) Persons sentenced to up to three years' detention;

(ii) Persons sentenced to a term of less than 10 years' imprisonment with hard labour;

(iii) Persons sentenced to a term of 10 or more years' imprisonment with hard labour;

(iv) Persons sentenced to life imprisonment with hard labour;

(v) Young detainees serving a custodial sentence as a reform measure.

131. Common provisions concerning segregation of the various categories of detainees which are applicable to all prisons:

Article 36: Detainees awaiting transfer and military personnel shall be placed in the category to which they belong. For purposes of the application of articles 31 and 32, any detainee who has previously served a sentence of not less than one month's detention shall be deemed to have a criminal record.

Article 37: Registered prostitutes convicted of a contravention shall be placed in a separate cell in the women's section.

Article 38: All the categories of detainees to which reference is made in articles 32, 33, 34, 35, 36 and 37 shall be segregated in separate dormitories, workshops, canteens and recreation areas.

132. If the number of recreation areas is insufficient for all the categories of detainees, the recreation hours shall be set in such a way as to enable the areas to be used in succession by all the said categories.

Article 39: The warden or head guard shall implement the orders received from the examining magistrate or the president of the court pursuant to article 457 of the Code of Criminal Procedure and, in particular, shall take the necessary measures to ensure that suspects and accused persons held in solitary confinement by order of the judicial authority are not placed with other detainees when large numbers of detainees are to be released on the same day, and that they do not meet in the administrative offices or on their departure from the prison.

133. With regard to the isolation of young prisoners:

Article 40: Young detainees shall be totally segregated from adult detainees during the day and also at night. Young persons who have been tried in accordance with article 40 of the Code of Criminal Procedure and who are being detained for less than six months, as well as young persons awaiting transfer, must always be placed in separate cells or locations, preferably on their own or in the company of at least two others if separate accommodation is impossible.

134. Measures that must be taken to prevent overcrowding:

> Article 41: In order to remedy overcrowding or prevent its anticipated occurrence, the senior district administrator shall send to the Minister, as soon as possible, a report proposing the transfer of convicts to another prison.

With regard to the procedures to be followed on arrival, article 42 stipulates that, on arrival at the prison, detainees must be placed in individual waiting rooms or cells until they are sent to the appropriate section. They are subject to the prison admission procedures, including measurement of their height and weight, and undergo the requisite cleansing operations, after which they may be required to wear prison uniform.

135. In addition to the above, in order to segregate juvenile defendants from adults, the Juveniles Act No. 18 of 1974, as amended by Act No. 51 of 1979, makes provision for the establishment of special juvenile courts which, under the terms of article 31 thereof, consist of full-time and part-time district courts competent to hear cases involving felonies, misdemeanours and contraventions. Defendants are treated in a manner conducive to their social rehabilitation and reform.

136. With regard to education, article 114 of the Prison Regulations stipulates that a primary educational unit must be established at the central prison and may also be established at other prisons by decision of the Minister of the Interior. The said units must be placed under the control of a high school teacher seconded by the Ministry of Education to the Ministry of the Interior and whose salary is paid from the budget of the latter Ministry in accordance with the conditions laid down in the Ministry of Education's employment statutes, or a local high school teacher, appointed by decision of the Minister of the Interior, who is paid an additional allowance from the budget of the Ministry of the Interior, or any other person accepted by the Minister of the Interior, on the basis of a proposal from the senior district administrator and subject to approval by the Minister of Education, on the understanding that the said person is not entitled to any salary or allowance.

137. Under article 115, all young detainees and all detainees under 40 years of age who have been sentenced to a term of more than three months' imprisonment are subject to compulsory education regardless of whether they are illiterate or able to read but unskilled in the art of writing.

138. Under article 116, civil servants or other persons duly authorized by the senior district administrator may deliver tutorials or lectures on ethical or scientific subjects, provided that the subjects that the said other persons wish to discuss are approved by the senior district administrator.

139. Attendance of such tutorials and lectures is compulsory for convicts. However, if they are of a religious nature, attendance is compulsory only for those who have asked to participate in the ceremonies of the religion forming the subject of the lecture.

140. With regard to libraries, article 117 stipulates that books from the prison library must be made available to detainees, who are permitted to read them on holidays and also during the

week at the end of the working day, provided that they have completed the assignments set by their teacher, after which they are free to devote the rest of their time to reading. Suspects, accused persons and persons serving a term of detention without labour are not subject to any restriction in this regard. However, no detainees are permitted to read books during mealtimes.

141. With regard to religious observance, article 118 stipulates that, on the basis of a proposal by the senior district administrator, the Minister of the Interior shall appoint at every prison ministers of religion for each religious confession who shall be granted access to detainees at their request.

142. Remunerated work is also made available to convicts under the provisions of section VI of the Prison Regulations, article 93 of which stipulates that workshops must be established at the central prison and at all other prisons in Syria. These workshops are either operated directly by the State or assigned to contractors. When they are operated directly by the State, the Minister of the Interior determines the terms and conditions of employment, as well as the wages to be paid to the detainees. On the basis of a proposal by the senior district administrator, the Minister of the Interior may assign them to contractors in accordance with general terms and conditions the provisions of which must be in conformity with the model annexed to the Prison Regulations. Work is scheduled in such a way as to ensure that no convict remains idle.

143. Work may also be assigned to suspects, accused persons and persons detained for legal debtedness, insolvency or damages owed in respect of an indecent act, if they so request. Prison inmates can continue to exercise their craft or profession unless it is incompatible with health, order, security or the Regulations. If the craft that they were exercising is an activity for which provision is made in the prison, they are employed therein in accordance with the conditions laid down in the schedule of wage rates, otherwise the wages of prisoners employed by external master craftsmen are paid to the prison official acting as accountant or public works contractor who divides them into shares payable to the prisoner and the Treasury. Detainees working for their own account have an obligation to pay a contribution equivalent to the amount that would have been received by a contractor or the Treasury if they were employed on work within the prison.

144. The senior district administrator determines the amounts of the said contributions on the basis of a proposal by the warden or head guard and, if necessary, may require a pledge in this regard. In addition to guarding the detainees, the guards are also responsible for ensuring the smooth and orderly performance of their work.

145. With regard to work authorizations and determination of workers' rates of pay, article 94 stipulates that definitive authorizations cannot be granted until the work has been approved by the Minister of the Interior, on the basis of a request from the contractor, after consulting the senior district administrator. Workers' rates of pay must be set, in a definitive manner, during the month following introduction of the craft or occupation into the prison and may be reviewed, if necessary, by order of the Minister of the Interior. Workers' rates of pay must be posted at their places of work. Article 95 stipulates that convicts' earnings from their work must be distributed between them and the State or the contractor depending on the manner in which work is organized at the prison. Detainees without previous convictions or who have been sentenced to one or more terms of detention totalling not more than one year receive five tenths of their

earnings, while detainees who have been sentenced to one or more terms of detention totalling from one to five years receive four tenths and detainees who have been sentenced to imprisonment with hard labour or to one or more terms of detention totalling more than five years receive three tenths. Under the terms of article 96, half of the amount payable to convicts in respect of their work is retained for them, as a reserve, until their release. Under article 97, the other half of the earnings due to the convicts is placed at their disposal and the warden or head guard may permit them to send assistance to their families from that amount. Under the terms of article 98, suspects and persons detained for indebtedness who request work are subject to the same rules as convicts in regard to the terms and conditions of their work except that they cannot be compelled to work. They are entitled to receive seven tenths of the wages that they earn and have full disposal of that amount during the period of their detention.

146. With regard to measures taken against the contractor in the event of his failure to provide work, article 99 stipulates that, if work at the prison is assigned to a contractor, the warden or head guard must specify, in the daily report that he sends to the senior district administrator, the number of detainees left without work, as well as the number of detainees who requested work while not being obliged to do so. At the end of each month, the senior district administrator must submit to the Minister a list of the numbers of working days lost in this way at each prison in his district, together with his proposals concerning the financial penalty to be imposed on the contractor and, if necessary, ways to provide work on the requisite terms and conditions.

147. With regard to the employment of detainees on work of public benefit, article 100 stipulates that prisoners may be employed on construction or similar work in the prison or placed at the disposal of Ministries, military authorities or municipalities so that they can be employed on work of public benefit outside their prisons or local institutions.

148. The bodies employing such prisoners are responsible for the costs of their transportation and have an obligation to provide them with food and overnight accommodation. They must be transported in vehicles when the distance to be travelled exceeds 10 kilometres.

149. The official body employing the prisoners pays a daily wage to each of them. Every such body wishing to employ prisoners must submit to the Ministry of Interior an application specifying:

(a) the number of prisoners that it requires;

(b) the means at its disposal to guard them.

Agreement to employ prisoners in itself implies an undertaking by the official body concerned to observe all the regulations laid down in this regard.

150. Article 4 of the Juveniles Act lists appropriate reform, care and rehabilitation measures and article 5 empowers the court to impose the reform measures which it deems conducive to the juvenile's reform in the light of the information available to it concerning his psychological and social situation.

151. The protection and precautionary disciplinary measures provided for in the Juveniles Act No. 18, as amended by Act No. 51, have been standardized in order to give the juvenile court an opportunity to choose those most appropriate to the juvenile's situation since the purpose of the legislation is to ensure the reform and social rehabilitation of the juvenile delinquent.

152. The composition of the juvenile courts has been expanded so that, when hearing important juvenile cases involving felonies or misdemeanours, the juvenile judge is assisted by representatives of the Ministry of Social Affairs and Labour and the Ministry of Education who, in their capacity as highly qualified sociologists, help to determine the reform measure most appropriate to the juvenile since, when dealing with cases of juvenile delinquency, the fundamental aim of the court is to reform the juvenile and not simply to impose a penalty as normally happens in cases involving adults.

153. A juvenile police force has been established to supervise juveniles and protect them from exposure to the risk of delinquency and the commission of illegal acts. This force, which is modelled on its counterparts operating in most foreign and Arab States, currently consists of ordinary police officers pending completion of the training of specialized personnel to carry out the tasks that will be assigned to them.

154. The specialized functions of institutions, such as social service offices and surveillance centres, which assist the juvenile courts have been regulated in such a way as to ensure that their respective roles, as well as the administrative authorities by which they are supervised, are clearly defined by law.

155. The duration of a juvenile's placement in a reform institution has been set at a minimum of six months in order to give the juvenile an opportunity to adopt a proper mode of conduct and absorb the guidance and advice provided by the institution's specialists and also in order to give the latter an opportunity to submit proposals to the juvenile court concerning the juvenile's release or continued education and rehabilitation in the light of his conduct in the institution.

156. The juvenile's guardian is liable to a fine if the court finds that the juvenile's delinquency is the result of neglect. The purpose of these fines is to encourage parents to assume their educational and social responsibilities towards their children.

157. A Probationary Service, staffed by highly qualified and experienced probation officers attached to the Ministry of Social Affairs and Labour in its capacity as the body responsible for the welfare and reform of juveniles, has also been established.

158. Women are given an opportunity to serve as juvenile judges in view of their natural ability to understand the mentality of juveniles and choose the most appropriate measures for their protection and reform.

159. The stage of childhood (young persons under 7 years of age) has been excluded from the scope of application of criminal law in view of the inability of such persons to distinguish between right and wrong.

160. By law, young persons over 7 but under 18 years of age are entitled to special treatment insofar as they are subject only to remedial reform measures. The only exception to this is in cases involving felonies committed by juveniles over 15 years of age, who are liable to reduced penalties that differ from those imposed on adults. Accordingly, instead of facing the death penalty or imprisonment with hard labour, they are liable only to a penalty of detention, for purposes of reform, for a maximum period of 12 years.

161. The rules and procedures of the juvenile courts are characterized by their simplicity and informality insofar as juvenile court hearings are more like family gatherings or psychological clinics attended only by the persons concerned.

162. The rehabilitation and social reintegration of juveniles are ensured through the social care that they receive from the time of their admission to the reform institution. The Ministry of Social Affairs and Labour in Syria has established a number of institutions and centres to cater for the welfare of juvenile delinquents in order to keep them away from public prisons and provide them with the reform and educational facilities that they require. In accordance with the provisions of the Compulsory Education Act, the Ministry has obtained the approval of the Ministry of Education for the establishment of primary schools at reform institutions for juvenile delinquents at Damascus.

163. In addition to theoretical education, vocational training is provided, for socio-economic purposes, in the crafts for which facilities are available at these institutions. In this way, juveniles are taught a trade on which they can rely for an honest livelihood after leaving the institution so that they can improve their living conditions and reintegrate in society. A national fund has also been established to find employment for juvenile delinquents and improve occupational attitudes towards them.

Article 11

164. Article 460 of the Code of Civil Procedure stipulates that no one may be imprisoned solely for inability to fulfil a contractual obligation, except in the case of damages payable under the terms of a criminal judgement, payment of maintenance, payment or recovery of dowry, handover of a child to the person to whom custody has been assigned and assurance of the child's right to see his or her parent, since these obligations are not of a contractual nature.

165. In the case of damages awarded in respect of a criminal offence arising from an unlawful act the imposition of a penalty of detention in this connection is not incompatible with article 11 of the Covenant. Maintenance and payment or recovery of dowry in the event of annulment of a contract of marriage or temporary or permanent separation are matters involving conjugal rights and Syrian law does not regard marriage solely as a contractual obligation since, by virtue of its inviolable and sacrosanct nature, it cannot be viewed simply as a contractual debt between two parties which is regulated by the provisions of the Civil Code and contractual law; in fact, being the cornerstone of the family, it is governed by the Personal Status Act the rules and principles of which, notwithstanding some similarities, differ from those applicable to contracts.

166. Although marriage is essentially based on a legal contract between a man and a woman under which he is permitted to take her as his lawful wife with a view to the production of

common progeny, its effects and the obligations of the parties thereto are not determined by the will of the two parties. On the contrary, they are governed by the general provisions of public order based on society's view of marriage which, consequently, cannot be regarded as a purely civil contractual obligation, nor can its effects be regarded simply as the results of a contract. Moreover, since the concept and scope of matters of personal status transcend the laws and regulations governing civil status, such matters fall outside the sphere of contractual obligations in the sense intended in the International Covenant on Civil and Political Rights.

167. The handover of a child to the person to whom the child's custody has been assigned and assurance of the child's right to see his or her parent do not constitute a contractual obligation in the sense that imposition of a penalty of detention for any violation thereof would be incompatible with article 11 of the International Covenant.

168. Accordingly, since these cases, which fall outside the scope of contractual law, are the only ones in which a penalty of detention is permissible, that is no incompatibility in this regard between Syrian law and article 11 of the Covenant.

Article 12

169. Article 33, paragraph 2, of the Syrian Constitution stipulates that: "Every citizen has the right to liberty of movement within the territory of the State unless prohibited therefrom under the terms of a court order or public health and safety regulations."

In Syria, no laws or measures restrict the liberty of movement or choice of residence of citizens.

170. Legislative Decree No. 29 of 1970 regulates the right of foreigners to enter, reside in and leave the territory of the Syrian Arab Republic. It stipulates that entry into and departure from the country are permitted only to holders of a passport that meets the following conditions:

(a) The passport must be valid;

(b) It must have been issued by the competent authorities in the country of issue, by any other recognized authority, or by the Ministry of the Interior.

171. In place of a passport, an alternative document is acceptable, provided that:

(a) It has been issued by an authority empowered to issue passports;

(b) It gives the bearer the right to return to the country which issued the document.

The latter provision is intended merely to ensure that our country is not the final destination of stateless persons.

172. In all cases, the passport or document must be furnished with a visa by the Ministry of the Interior, a diplomatic or consular authority of the Republic, or any other body authorized by the Government of the Republic for that purpose.

Visas

173. The aforementioned Decree authorized the Ministry of the Interior to issue, with the agreement of the Ministry of Foreign Affairs, an ordinance specifying types, validity and cost of visas and the conditions on which they are issued or waived.

174. Pursuant to that Decree, decisions were taken regarding types of visas, the manner in which they are issued and the fees receivable. There are two types of visa:

1. Diplomatic and equivalent visas.

2. Ordinary visas.

175. Diplomatic visas are issued gratis to the following:

(a) Holders of foreign diplomatic passports;

(b) Foreign dignitaries carrying ordinary passports, whose Syrian counterparts are granted diplomatic passports.

176. Other visas equivalent to diplomatic visas are: "special", "business" and 'courtesy".

Special visas are granted to the following:

(a) Holders of special or equivalent foreign passports;

(b) Holders of a United Nations laissez-passer;

(c) Foreign dignitaries holding ordinary passports, whose Syrian counterparts are granted special passports.

Business visas are granted to foreign passport holders for a specific purpose. Pursuant to the ordinance, courtesy visas are granted to the following:

(a) The personnel of international organizations and specialized agencies and State representatives attending conferences;

(b) The administrative and clerical staff of foreign diplomatic and consular missions;

(c) The dependants of members of foreign national consular and diplomatic corps.

There are two types of ordinary visa:

1. Entry.

2. Transit.

These are valid for one entry into or transit through the Republic, or for more than one journey in the six months subsequent to the date of issuance.

In exceptional circumstances, such visas may be valid for one year and, with the approval of the Ministry of the Interior, may be valid for a number of journeys and for a period exceeding one year.

The validity of the visa may not exceed the validity of the passport. In fact, it must expire two months prior to the expiry of the passport.

The ordinance stipulated that visas shall be written in Arabic and French, that no visa shall be granted to anyone whose name appears on the list of personae non gratae, and that, unless approved by the Ministry of the Interior, a visa shall not be granted to any foreigner wishing to enter the country for work purposes, with some specific exceptions provided for in the ordinance.

177. Any foreigner who has entered the territory of the Syrian Arab Republic in a regular and legal manner and has obtained a residence permit is not subject to Legislative Decree No. 29 of 1970 regulating the entry, residence and departure of foreigners with the exception of article 9 thereof, which stipulates that any foreigner who wishes to change his place of residence must notify his new address to the Department of Migration and Passports or its regional office in the governorate in which his new residence is located.

This provision does not apply to foreigners holders of tourist visas during the first month following their arrival.

178. With respect to article 12, paragraph 2, of the Covenant, article 33, paragraph 1, of the Syrian Constitution stipulates that a citizen may not be expelled from the homeland.

179. Pursuant to article 12, paragraphs 2 and 3 of the Covenant, the Ministry of the Interior promulgated Ordinance No. 1016 of 13 November 1999, which facilitates the travel, departure and return of citizens and contains new instructions concerning the issuance of passports and exit visas under which many categories, including, in certain cases, Syrians living abroad, are exempted from the obligation to obtain exit visas. Previously, exit visas had to be obtained by nationals each time they wished to leave the country, while passports were valid for two years.

180. Such visas are now valid for one year and for a number of journeys.

The following categories of nationals are exempt from having to obtain exit visas or any other type of authorization:

1. Persons over the age of 50.

2. Persons who have performed military service or paid a fee in lieu thereof or who are exempt therefrom on health grounds or because they have performed military service in a foreign army.

3. Women over the age of 18, with the exception of those between the ages of 18 and 35 travelling to certain countries.

4. Persons whose passports were issued less than three months previously.

5. Citizens living outside the country and holding valid foreign residence permits and citizens holding foreign passports who leave the country less than three months after entry.

6. Persons leaving to perform the pilgrimage, and holding special hajj travel documents.

181. Article 4 of Legislative Decree No. 29 of 1970 stipulates that foreigners shall be permitted to enter or leave the territory of the Syrian Arab Republic only at the places designated by the Ministry of the Interior and with permission from the embassy of the Syrian Arab Republic abroad or the competent border authority, under the terms of a visa stamped in their passport or equivalent travel document.

Article 13

182. Article 25 of Legislative Decree No. 29 of 1970 stipulates that: "The Minister of the Interior shall be empowered to deport any alien from Syria if security and the public interest so require. He may order the provisional detention of any person whom he decides to deport or may place such person under restricted residence with the obligation to report to the competent police authority at specified times until his deportation."

183. Under article 26 of the same Legislative Decree: "No alien who has been deported shall be permitted to return to Syrian Arab territory without authorization from the Minister of the Interior." Syrian Arab citizens cannot be deported and any alien subjected to this measure has the right to appeal to the courts.

184. The expulsion procedures are as follows: When an alien who has committed an offence or a contravention is arrested, he is brought before the competent court and, if the court decides to release him, he is referred to the Department of Migration and Passports for consideration of his situation. The Procedural and Investigation Section of the Department studies his circumstances and prepares a memorandum for the Minister proposing either deportation or expulsion depending on the type of offence for which the person in question was arrested. If it is decided to expel or deport him, one of the Department's patrols escorts him to an airport or land border post where an expulsion or deportation order, as appropriate, is drawn up in due and proper form and the alien leaves the country. In the case of deportation, he is prohibited from returning to the country.

185. Protests against deportation decisions and bans on re-entering the country can be lodged with our diplomatic missions abroad, which refer them to the Ministry of the Interior through the Ministry of Foreign Affairs. A memorandum outlining the situation is submitted to the Minister and, in the light of his decision, the person concerned is notified, through the Ministry of Foreign Affairs, of the positive (annulment of the ban on re-entry) or negative response.

186. Political refugees cannot be extradited because of their political principles (art. 34 of the Constitution).

Article 14

187. The Syrian Arab Republic has a democratic republican system of government in which sovereignty is exercised by the people in the manner specified in the Constitution, which is based on the principle of the separation of legislative, executive and judicial powers. The legislation in force in the Republic was promulgated in accordance with the provisions of the Constitution, with which it is required to be consistent, and, in its content and aims, is in conformity with the principles set forth in the International Covenant on Civil and Political Rights. Moreover, the Syrian Arab Republic s ratification of the Covenant on 21 April 1969 signifies that the provisions of the Covenant have become part of the domestic legislation in force.

188. The judicial authority is independent, its independence being guaranteed by the President of the Republic with the assistance of the Higher Council of the Judiciary. Judges are independent and, in their administration of justice, are subject to no authority other than the law. The rights and freedoms of all persons are guaranteed by the honour, conscience and impartiality of the judges. Any attempt to influence a judge in favour of an accused person constitutes a punishable offence under the terms of article 409 of the Penal Code, chapter IV of which prescribes penalties for offences which impede the administration of justice or obstruct the implementation of judicial decision.

189. Syria does not apply the jury system. Its judges are always professional and it is only in civil cases that the parties are permitted to agree to the arbitration of persons other than judges who are merely required to be competent adults acceptable to the parties. Any party to a dispute can request disqualification of a judge for the reasons specified in article 174 of the Code of Civil Procedure in accordance with the procedures laid down in articles 175-189, which also apply to the judges in criminal courts.

190. Justice can be administered only by professional judges in accordance with the principles set forth in the Judicial Authority Act.

The Syrian Constitution stipulates as follows:

Article 131: The judicial authority shall be independent, its independence being guaranteed by the President of the Republic with the assistance of the Higher Council of the Judiciary.

Article 132: The Higher Council of the Judiciary shall be headed by the President of the Republic. Its composition and functions, as well as its rules of procedure, shall be regulated by law.

Article 133 paragraph 1: Judges shall be independent and, in their administration of justice, shall be subject to no authority other than the law.

Article 133, paragraph 2: The rights and freedoms of all persons shall be guaranteed by the honour, conscience and impartiality of the judges.

Article 136: The conditions governing the appointment, promotion, transfer, discipline and dismissal of judges shall be regulated by law.

191. The Judicial Authority Act promulgated in Legislative Decree No. 98 of 15 November 1961 set forth the principles governing the appointment of judges by a decree signed by the Minister of Justice on the basis of a decision taken by the Higher Council of the Judiciary.

Articles 70, 71, 72, 73, 74 and 75 of the Judicial Authority Act are reproduced below:

Article 70: Every person appointed to the judiciary or the Department of Public Prosecutions must meet the following conditions:

(a) He must have been a Syrian citizen for at least five years and must enjoy his civil rights;

(b) He must be free of contagious and other diseases and infirmities that would prevent him from exercising the function assigned to him in any part of the State;

(c) He must not have been convicted of a felony or an offence prejudicial to honour and must not have been sentenced to a penalty of more than one year's detention;

(d) He must hold a degree in law from a university in the Syrian Arab Republic or an equivalent degree from another university provided that, in the latter case, he must also hold a certificate of secondary education or an equivalent certificate and must have passed the equivalence examination required under the laws in force;

(e) He must be over 22 years of age if appointed as assistant judge, assistant shari'a judge or assistant prosecutor, over 24 years of age if appointed as justice of the peace, judge of a court of first instance, shari'a judge, examining magistrate or deputy prosecutor, over 30 years of age if appointed as justice at a court of cassation or solicitor-general and over 35 years of age if appointed to other posts;

(f) The Higher Council of the Judiciary must have approved his nomination.

Article 71: Judges and prosecutors shall be appointed by a decree signed by the Minister of Justice on the basis of a decision taken by the Higher Council of the Judiciary.

Article 72, paragraph 1: the Higher Council of the Judiciary may decide to appoint the following holders of degrees in law directly to judicial posts:

(a) Judges and prosecutors in the Council of State, specialists in the Department of Governmental Affairs and present or previous members of the teaching staff of a faculty of law to a grade equivalent to that of their present or previous posts.

(b) Professors who have actually practised law:

(i) For a period of eight years at grade 5 or below;

(ii) For a period of six years at grade 6 or below;

(iii) For a period of four years at grade 7;

(c) Professors who have actually practised law for a period of not less than 12 years at the grade of justice of a court of appeal or at an equivalent or lesser grade.

Article 72, paragraph 2: In any year, these appointments must not exceed one quarter of the vacant posts unless there are no judges meriting promotion thereto.

Article 73: The Higher Council of the Judiciary shall formulate regulations, to be published by order of the Minister of Justice, concerning the probation of judges appointed at the lowest judicial grades.

Article 74, paragraph 1: The Higher Council of the Judiciary shall consider the permanent appointment of judges who have completed two years' probation.

Article 74, paragraph 2: If the Higher Council of the Judiciary has not taken a decision on the question of permanency or dismissal following completion of the period of probation, the judge's appointment shall automatically be deemed to be permanent.

Article 75, paragraph 1: Judges to whom the Higher Council of the Judiciary refuses to grant permanent appointments shall be dismissed from the service by decree.

Article 75, paragraph 2: Judges who are dismissed from the service shall be entitled to receive a pension or an indemnity in accordance with the laws in force.

192. Judges enjoy immunity from dismissal or transfer in accordance with the provisions of articles 92 and 93 of the Judicial Authority Act.

Article 92, paragraph 1: All judges shall enjoy immunity from dismissal or transfer.

Article 92, paragraph 2: For the purposes of this article, dismissal shall mean separation from service.

Article 92, paragraph 3: For the purposes of this article, transfer shall mean transfer from one town to another or from a post specified in the decree of appointment to another post.

Article 93, paragraph 1: Immunity from dismissal shall not be enjoyed by judges who have served in the judiciary for less than three years.

Article 93, paragraph 2: Immunity from transfer shall not apply to:

(a) Magistrates at the Department of Public Prosecutions, who may be transferred by decree on the basis of a proposal from the Minister of Justice;

(b) Judges who have served in the judiciary for less than three years;

(c) Judges who submit a written request for transfer;

(d) Judges who have served for a period of three years or more in the post specified in their decree of appointment, if circumstances necessitate their transfer;

(e) Judges who are transferred on promotion from one grade to another;

(f) Assistant judges of the peace, assistant shari'a judges and assistant examining magistrates;

(g) Judges on whom the Higher Council of the Judiciary imposes a penalty more severe than forfeiture of salary. Care must be taken to ensure that the transfer referred to in this subparagraph is of a punitive nature and cannot be regarded as promotion or a token of esteem.

193. Judges can be dismissed from office only after a thorough investigation, the results of which must be referred, by decree, to the Higher Council of the Judiciary, and on the basis of a decree enforcing the provisions of the Council's decision to dismiss them, as stipulated in section VII of the Judicial Authority Act.

Article 105 of the said Act stipulates that the disciplinary penalties that can be imposed on a judge are of three types: (a) censure; (b) forfeiture of salary; (c) dismissal.

Article 106 stipulates as follows:

1. The penalty of censure consists in the delivery to the judge of a letter specifying the contravention committed and drawing his attention to the need to avoid such contraventions in future. It may be decided not to record the censure in the judge's file.

2. The penalty of forfeiture of salary consists in the deduction of an amount not exceeding one tenth of the judge's gross monthly salary for a period of not less than one month and not more than one year.

3. The penalty of delayed promotion consists in depriving the judge of promotion for a period of up to two years.

4. The penalty of dismissal consists in termination of the judge's services and payment of his final entitlements in accordance with this Act. A judge who has been dismissed shall not be re-appointed to the judiciary.

194. Article 107 stipulates that disciplinary penalties shall be imposed on judges by the Higher Council of the Judiciary, to whom they shall be referred by a decree issued on the basis of a proposal submitted by the Minister of Justice or the President of the Higher Council of the Judiciary but which shall not be published in the Official Gazette.

195. Article 108 stipulates that judges who are remiss in their duties, who say, do or write anything prejudicial to their personal honour or the honour of the judiciary, or who violate public laws and regulations, shall be referred to the Higher Council of the Judiciary.

Under the terms of article 109, a judge who is referred to the Higher Council of the Judiciary may avail himself of the services of another judge unless otherwise decided by the Council itself.

Under the terms of article 110, a judge who is referred to the Higher Council of the Judiciary may avail himself of the services of another judge to defend him. Any judge who, on being referred to the Higher Council of the Judiciary, fails to appear before it or fails to appoint another judge to represent him may be judged in absentia but has the right to lodge a protest against such judgement within five days from the date on which he is notified thereof.

Under the terms of article 111, the President of the Higher Council of the Judiciary has the right to appoint a member of the Council as rapporteur to complete the investigation, if necessary, and the hearing must be conducted in camera before the said Council.

Article 112 stipulates that these disciplinary penalties are not subject to pardon.

Under the terms of article 113, the penalty of dismissal is enforceable by decree, while the other penalties are enforceable by an order issued by the Minister of Justice which must not be published in the Official Gazette.

196. Judicial practice shows that everyone who has violated the legal provisions enshrined in the articles of the Covenant has been prosecuted. The Administration cannot refuse to implement a judicial decision, since any such failure constitutes a punishable offence under article 361 of the Penal Code.

197. Article 25, paragraph 3, of the Constitution stipulates that: "All citizens are equal before the law in regard to their rights and obligations". Article 25, paragraph 2, stipulates that: "The rule of law is a fundamental principle in society and the State". Consequently, all persons are equal before the law. Under the terms of article 28, paragraph 1: "Every accused person shall be presumed innocent until convicted by a final court judgement". Paragraph 4 of the same article further stipulates that: "The right of legal remedy, defence and appeal shall be guaranteed by

law". Under article 29 of the Constitution: "There is no crime or punishment except as defined by law". Under article 30: "The provisions of laws shall apply only to acts that take place subsequent to the date of their entry into force and they shall not have retroactive effect, except in non-criminal matters in which stipulations to the contrary shall be admissible". These provisions clearly show that the rights referred to in article 14 of the Covenant are rights guaranteed by the Syrian Constitution. The right to seek legal remedy and the right to an independent and impartial hearing are rights guaranteed by the Constitution and the legislation in force, which stipulate that citizens are entitled to file an administrative complaint or resort to the courts to prosecute anyone who has violated their rights.

198. Articles 319-324 of the Penal Code prescribe the following penalties for violations of civil rights and obligations:

Article 319:

1. Any act that is likely to prevent a Syrian from exercising his civil rights or fulfilling his civil obligations shall be punishable by detention for a period of one month to one year if it is committed through the use of threats, violence or any other means of physical or mental coercion.

2. If the offence is committed by an armed group consisting of three or more persons, the penalty shall be detention for a period of six months to three years. If the offence is committed without using a weapon, the penalty shall be detention for a period of two months to two years.

Article 320:

If any of the acts specified in the preceding article are committed in furtherance of a pre-arranged plan to be carried out throughout the territory of the State or in any part or parts thereof, each of the perpetrators shall be liable to a term of detention.

Article 321:

1. Anyone who attempts to influence the vote of a Syrian, with a view to distorting the outcome of a public election, by threatening harm to his person, his family, his status or his property, by offering recompense, gifts or pledges or by promising administrative grants to a body corporate or a group of persons shall be liable to a penalty of detention for a period of one month to one year together with a fine of LS 100-500.

2. Anyone who accepts or solicits such gifts or pledges shall be liable to the same penalty.

Article 322:

Any public official or civil servant who uses his authority to influence the vote of any Syrian shall be punished by deprivation of his civil rights.

Article 323:

1. Anyone who, in a fraudulent manner, changes or attempts to change the outcome of an election shall be liable to a penalty of detention for a term of two months to two years.

2. If the offender is responsible for the collection, safekeeping or sorting of votes or ballot papers or any other activity relating to a public election, he shall be liable to a penalty of detention for a term of six months to three years.

Article 324:

Invalidation of the election shall have no effect on the offences committed during or because of the election.

Offences involving infringement of liberty are punishable under the following articles:

Article 357:

Any public official who arrests or detains a person in circumstances other than those provided for by law shall be liable to a term of imprisonment with hard labour.

Article 358:

Any warden or guard of a prison or a disciplinary or reform institution, and any official vested with their powers, who admits a person into the institution without a judicial decision or warrant, or who retains a person therein for a period longer than that ordered, shall be liable to a penalty of detention for a term of one to three years.

Article 359:

1. Any of the above-mentioned persons, and in general, any officer or member of the forces of law and order and any administrative official who refuses or fails to promptly bring a detainee or prisoner before the competent magistrate who requires them to do so, shall be liable to a penalty of detention for a term of one month to one year.

2. Any persons who fail to immediately obey the magistrate's order to present any of the records of the prison or other places of detention to which they are attached shall be liable to the same penalty.

Article 360:

1. Any public official who, in his capacity as such, enters the home of any person or its outbuildings in circumstances other than those provided for by law and without respecting the legal regulations shall be liable to a penalty of detention for a term of three months to three years.

2. The penalty shall not be less than six months if the offence is accompanied by a search of the premises or any other arbitrary act committed by the offender.

199. Abuse of authority and breach of official duties are punishable under the following articles:

Article 361:

1. Any official who uses his authority or influence, directly or indirectly, to obstruct or delay application of the laws or regulations, collection of dues or taxes or implementation of a judicial decision or warrant or any order issued by a competent authority shall be liable to a penalty of detention for a term of three months to two years.

2. If the person who abuses his authority or influence is not a civil servant, the penalty shall not exceed one year.

Article 362:

1. Any official who incites contempt for national customs or the laws of the State or who commends acts incompatible with those laws or customs shall be liable to a penalty of detention for a term of one month to one year and a fine of LS 100.

2. This provision shall also apply to ministers of religion and members of the teaching staff of public or private educational institutions.

Article 363:

1. Any official who, without valid reason, is remiss in the performance of his duty or fails to carry out legal orders issued by his superior shall be liable to a fine of LS 25-100.

2. If such an act prejudices the interests of the State, the offender shall be liable to a penalty of detention for a term of one month to one year.

Article 364:

Any officer or member of the forces of law and order and any person in charge of a post or detachment who fails to comply with a lawful request from the judicial or administrative authorities shall be liable to a penalty of detention for a term of one month to one year.

(a) Any employee of a ministry, department, public body or institution, municipality or municipal institution or of any agency in the public or mixed sectors who abandons or absents himself from his work before the document accepting his resignation is issued by the competent authority, and any such person who is deemed to have resigned by having abandoned or absented himself from his work for a period of 15 days, shall be liable to a penalty of detention for a term of three to five years and a fine of not less than his monthly salary plus allowances for a full year.

(b) The same penalty shall apply to anyone who fails to honour his obligation to serve in the bodies referred to in paragraph (a) of this article, regardless of whether the said obligation results from a period of study abroad, a grant or sabbatical leave. His movable and immovable property shall also be confiscated.

(c) In all cases, the persons to whom the provisions of this article apply shall be deprived of the entitlements due to them from the State and, in addition, shall be liable for any damages arising from their abandonment of, or absence from, their work.

(d) Mitigating circumstances shall not be taken into account in the offences punishable under the provisions of this article, nor shall such offences be subject to the provisions of articles 168 et. seq. of the Penal Code concerning suspended penalties.

(e) The penalty shall be waived, on one single occasion, in the case of persons who resume their service or place themselves at the State's disposal within one month from the date on which public proceedings are instituted against them.

Article 365:

Any official, other than those referred to in article 296, who is dismissed or relieved of his duty, and any person whose assignment to a public service by election or appointment has expired, shall be liable to a penalty of detention of a term of three months to three years if he continues to exercise his function unlawfully.

Article 366:

Any official who, with a view to furthering his personal interests or the interests of others or harming others, commits an act incompatible with his professional duties but for which no special penalty is prescribed in the Code shall be liable to a penalty of detention for a term of one month to three years, together with a fine of LS 100, if he continued to exercise his function unlawfully.

Article 367:

With the exception of the cases in which the Code prescribes special penalties for offences committed by officials, those who, acting in their said capacity or abusing the authority or influence derived from their official status, commit any offence whatsoever or aid and abet in the commission of an offence shall be liable to the heavier penalties prescribed in article 247.

General provisions

Article 368:

When passing judgement in connection with any of the misdemeanours referred to in this section, the judge may sentence the perpetrator to deprivation of his civil rights.

200. Chapter IV (arts. 388-426) of the Penal Code prescribes the following penalties for obstruction of the course of justice through concealment of felonies or misdemeanours, extortion of confessions or information, fabrication of offences or false accusation, perjury, tampering with evidence or judicial decisions or taking the law into one's own hands without following the legal procedures:

1. Concealment of felonies or misdemeanours

Article 388:

Any Syrian who, being aware of a serious offence against the security of the State, fails to immediately notify the public authorities thereof shall be liable to a penalty of detention for a term of one to three years and deprivation of his civil rights.

Article 389:

1. Any official assigned to investigate or prosecute offences who neglects or fails to promptly report an offence falling within the scope of his work shall be liable to a penalty of detention for a term of one month to three years and a fine of LS 100.

2. Any official who neglects or fails to promptly notify the competent authority of a felony or misdemeanour that comes to his knowledge during or in the course of his discharge of his duty shall be liable to the fine specified above.

3. The above shall not apply if follow-up of the offence which he failed to report was conditional on the receipt of a complaint.

Article 390:

Any health professional who, having aided a person appearing to be the victim of a felony or a misdemeanour which is subject to prosecution without a complaint, fails to inform the authorities thereof shall be liable to the fine specified in the preceding article.

2. Extortion of a confession or information

Article 391:

1. Anyone who subjects a person to illegal acts of violence with a view to obtaining from him a confession to an offence or information pertaining thereto shall be liable to a penalty of detention for a term of three months to three years.

2. If such acts of violence cause sickness or wounds, the minimum penalty shall be one year's detention.

3. Fabrication of offences and false accusation

Article 392:

Anyone who, having fabricated material evidence of an offence, reports the said offence to the judicial authority or to an authority that is obliged to notify the judicial authority of any offence that is known to have been committed, thereby giving rise to a preliminary or judicial investigation, shall be liable to a penalty of detention for a term of up to six months and/or a fine of up to LS 100.

Article 393:

1. Anyone who submits a complaint or a report to the judicial authority, or to authority that is obliged to notify the judicial authority, accusing a person of a misdemeanour or a contravention of which he knows the said person to be innocent or concerning the occurrence of which he fabricates material evidence shall be liable to a penalty of detention for a term of one month to three years.

2. If the act forming the subject of the accusation constitutes a felony, the false accuser shall be liable to a term of up to 10 years' imprisonment with hard labour.

3. If the false accusation leads to a sentence of death or life imprisonment, the penalty shall be a minimum of 10 and a maximum of 15 years' imprisonment with hard labour.

Article 394:

If the false accuser retracts his accusation before any prosecution proceedings have begun, the penalties prescribed in the two preceding articles shall be reduced in accordance with the provisions of article 241.

4. False identity

Article 395:

Anyone who, on being questioned by a judge or an officer or member of the Criminal Investigation Department, gives a false name or identity or a false address or domicile shall be liable to a penalty of detention for a term of up to six months and a fine of up to LS 100.

Article 396:

Anyone who assumes a false name during a judicial investigation or trial shall be liable to a penalty of detention for a term of three months to three years.

5. False testimony

Article 397:

A witness who presents a false excuse shall be liable to a penalty of detention for a term of up to three months, in addition to the fine imposed on him in respect of his failure to appear.

Article 398:

1. Anyone who, while testifying before a judicial authority or a military or administrative tribunal, gives false testimony, denies the truth or conceals, wholly or in part, his knowledge of the facts of the case on which he is being questioned shall be liable to a penalty of detention for a term of three months to three years.

2. If the act of perjury is committed during a criminal investigation or trial, the penalty shall be a term of up to 10 years' imprisonment with hard labour.

3. If the false testimony leads to a sentence of death or life imprisonment, the penalty shall be a minimum of 10 and a maximum of 15 years' imprisonment with hard labour.

4. If the offender was called upon to testify without taking the oath, the penalty shall be reduced by half.

Article 399:

The following persons shall be exempt from the penalty:

1. A witness who testifies during the investigation of a criminal offence, provided that he retracts his false statement before the closure of the investigation and the submission of a report thereon.

2. A witness who testifies at a trial, provided that he retracts his statement before any judgement, even of a preliminary nature, is handed down on the merits of the case.

Article 400:

1. The following persons shall also be exempt from the penalty:

(a) A witness who, if he spoke the truth, would inevitably place his liberty or honour at serious risk or would expose his wife, even if divorced, or any of his ascendants, descendants, brothers or sisters or relatives by marriage within the same degrees of kinship to such a risk;

(b) A person who states his name, surname and occupation before a judge if he did not need to be heard as a witness or if he should have been informed of his right to refuse to testify if he so desired.

2. However, if the act of perjury exposes another person to the risk of legal prosecution or conviction, the penalty shall be reduced by one half to two thirds.

Article 401:

The penalty shall be reduced by half in the case of a person at whose instigation the act of perjury was committed if the witness, by speaking the truth, would inevitably have exposed him or any of his relatives to a serious risk such as that referred to in the first paragraph of the preceding article.

6. False reports and false translation/interpretation

Article 402:

1. An expert appointed by the judicial authority who knowingly makes a false affirmation or misinterpretation shall be liable to a penalty of detention for a term of not less than three months and a fine of not less than LS 100 and, in addition, shall be permanently banned from acting as an expert.

2. The penalty shall be imprisonment with hard labour if the expert's assignment concerned a criminal case.

Article 403:

1. The penalties prescribed in the preceding article shall apply, with the corresponding differences, to a translator/interpreter who deliberately mistranslates/misinterprets in a suit at law.

2. In addition, he shall also be permanently banned from acting as a translator/interpreter.

Article 404:

The provisions of article 399 shall apply to the expert and the translator/interpreter.

7. False swearing

Article 405:

1. Anyone who makes a false statement under oath in a civil action shall be liable to a penalty of detention for a term of six months to three years and a fine of LS 100.

2. The penalty shall be waived if the offender retracts his sworn statement before a judgement, even of a preliminary nature, is handed down in the case of forming the subject of the oath.

8. Tampering with judicial exhibits

Article 406:

1. Anyone who tampers with, conceals, destroys or alters the appearance of a document or other exhibit after presenting it to a judicial authority shall be liable to a fine of LS 100-300.

2. This provision shall apply even if the document or exhibit was returned on the understanding that it would be presented on request.

9. Judicial immunity and acts that obstruct the course of justice

Article 407:

No action for slander or libel shall be brought in respect of spoken or written statements made or presented before the courts in good faith and within the limits of the right of legal defence.

Article 408:

Any person who, being present at a place in which a judicial hearing is being conducted, refuses to leave when ordered to do so by the presiding judge shall be arrested by order of the judge and sentenced to 24 hours' detention for contempt of court, in addition to any more severe penalties that might be imposed on him, if necessary, by the competent court.

Article 409:

Anyone who, verbally or in writing, solicits a judge's favour for or against a litigant shall be liable to a penalty of detention for one week to one month and a fine of LS 100.

10. Material which must not be published

Article 410:

1. A fine of LS 25-100 shall be imposed on anyone who publishes:

(a) Any document relating to the hearing of a felony or a misdemeanour before it is read out at a public session;

(b) Judicial writs;

(c) The proceedings of trials held in camera;

(d) Hearings of paternity cases;

(e) Hearings of divorce and desertion cases;

(f) Any proceedings the publication of which is prohibited by the courts.

2. The above provisions shall not apply to judgements published in good faith by means other than advertisements or placards.

Article 411:

Anyone who publicly opens or announces subscriptions or contributions to compensate for fines, costs or damages awarded by a court shall be liable to a penalty of detention for a term of up to six months and/or a fine of up to LS 100.

201. Obstruction of the implementation of judicial decisions

(a) Offences affecting the enforcement of judicial decisions:

Article 412:

1. An official receiver who deliberately damages or tampers with all or part of any property entrusted to his care shall be liable to a penalty of detention for a term of two months to two years and a fine of LS 100.

2. He shall be liable only to the fine if the property is damaged through his negligence.

3. Any other person owning or claiming ownership of property placed in judicial custody who intentionally takes or damages such property or knowingly conceals or tampers with what he has taken shall be liable to a penalty of detention for a term of one month to one year and a fine of LS 100.

Article 413:

1. A penalty of detention for a term of one month to one year and a fine of LS 100-500 shall be imposed on:

(a) Anyone who reoccupies real property from which he has been evicted;

(b) Anyone who contravenes measures taken by a judge to safeguard or seize property.

2. If the act is accompanied by violence, the penalty shall be detention for a term of six months to two years.

Article 414:

1. Anyone who conceals or tears a notice, or part thereof, which has been affixed pursuant to a legal conviction shall be liable to a fine of LS 100.

2. If the convicted person ordered to display the judgement commits the above-mentioned offence in person or aids or abets therein, he shall be liable to a term of up to six months' detention in addition to the fine.

(b) Escape of prisoners:

Article 415:

1. Anyone who makes possible or facilitates the escape of a person who has been lawfully arrested or imprisoned for a misdemeanour or a contravention shall be liable to a penalty of detention for a term of up to six months.

2. If the fugitive was arrested or imprisoned for a felony punishable by a criminal penalty of detention, the offender shall be liable to a penalty of detention for a term of one to three years.

3. If the felony was punishable by a more severe penalty, the offender shall be liable to a term of three to seven years' imprisonment with hard labour.

Article 416:

1. Anyone assigned to guard or escort a prisoner who makes possible or facilitates his escape shall be liable to a penalty of detention for a term of three months to three years in the first case referred to in the preceding article, imprisonment with hard labour for a term of three to seven years in the second case and imprisonment with hard labour for a term of five to fifteen years in the third case.

2. If the escape is attributable to the negligence of the guard or escort, the penalty shall be detention for a term of one month to one year in the first above-mentioned case, six months to two years in the second case and one to three vears in the third case.

Article 417:

1. Anyone assigned to guard or escort prisoners who provides them with weapons or other instruments in order to facilitate their escape through breaking or other violent means shall be liable, for this act alone, to a term of not less than five years' imprisonment with hard labour.

2. Any other person who commits this act shall be liable to a term of imprisonment with hard labour.

Article 418:

The penalty shall be reduced by half if the offender secures the fugitive's arrest or induces him to give himself up within three months from the date of his escape provided that, in the meantime, the latter has not committed any other offence classified as a felony or a misdemeanour.

202. Arbitrary enforcement of a right

(a) Prohibition of taking the law into one's own hands:

Article 419:

Anyone who, although able to apply to the competent authority, enforces his right in person by seizing property in the possession of others or damaging property through the use of violence shall be liable to a fine of up to LS 100.

Article 420:

1. If the act referred to in the preceding article is committed through the use of violence against persons or through resort to mental coercion, the perpetrator shall be liable to detention for a term of up to six months in addition to the fine specified above.

2. The penalty shall be detention for three months to two years if the act of violence or coercion is committed by an armed person or a group of three or more persons, even if they are unarmed.

Article 421:

Prosecution shall be conditional on the receipt of a complaint from the injured party if the said misdemeanour is not accompanied by another offence that can be prosecuted without a complaint.

(b) Duelling

Article 422:

The penalty for duelling shall be detention for a term of one month to one year.

Article 423:

Any invitation to a duel, even if refused, shall be punishable by a fine of LS 100-200.

Article 424:

The same penalty shall apply to anyone who publicly insults another person or seeks to expose him to public contempt because he failed to challenge someone to a duel or failed to respond to such a challenge.

Article 425:

If the duel results in death or permanent incapacity, the penalty shall be detention for a term of three to seven years in the first case and one to three years in the second case.

Article 426:

The physician or surgeon who treats the duellists shall not be liable to a penalty.

203. In accordance with article 128 of the Code of Civil Procedure, trials are held in public, although they may be held in camera in order to preserve public order or protect public morals or family honour. In accordance with article 202 of the Code of Civil Procedure, the judgement, together with its substantiating grounds, must be read out in public. All judgements, even those resulting from a trial held in camera, must be handed down at a public session, failing which they are deemed to be null and void.

204. A judge's refusal to adjudicate in any dispute brought before him would constitute a denial of justice, in respect of which an action could be brought against the judge in accordance with article 486 of the Code of Civil Procedure. Every accused person is presumed innocent until convicted by a court judgement (art. 28 of the Constitution), must be informed of the charges brought against him and has the right to choose his lawyer and contact him in private, to be judged in his presence as soon as possible, to cross-examine the witnesses, to have the charges against him translated into his own language and to appeal against judgements in accordance with the legal procedures. No one can be tried for an offence for which he has previously been prosecuted.

205. Under the terms of article 108 of the Code of Criminal Procedure, arrest warrants must specify the offence in respect of which they are issued, as well as its type and the legal provision under which it is punishable. Article 109 of the Code further stipulates that summonses and arrest and detention warrants must be presented to the person on whom they are served and a copy thereof must be left with him.

206. No one may be detained for a period longer than that prescribed for cases of flagrante delicto (24 hours) except on the basis of a judicial order. Article 105 of the Code of Criminal Procedure stipulates that, on the expiration of this period, the detainee must be brought before the competent magistrate for consideration of his situation. Any violation of this stipulation would constitute an arbitrary act of unlawful restriction of personal liberty, the perpetrator of which could be prosecuted under the terms of article 358 of the Penal Code.

207. Liberty is the rule and detention is the exception. There is no legal regulation that contradicts this principle during a trial. Any detainee can be released in accordance with the legal provisions contained in articles 117-130 of the Code of Criminal Procedure and has the right to apply to the courts to secure his release.

208. Accordingly, no one can be detained without charge, as this would constitute a punishable act of unlawful restriction of liberty. Anyone detained on a criminal charge must be brought before the Department of Public Prosecutions within a period of 24 hours, which may be extended to a maximum of 48 hours, and the Department of Public Prosecutions must refer him directly to the competent magistrate within a maximum of 24 hours.

209. Every person who is arrested must be informed immediately of the reasons for his arrest and, on being brought before the Department of Public Prosecutions, must be notified of the charges brought against him. On being questioned by the examining magistrate, he is again informed of those charges. This must always be done, through a sworn interpreter, in a language that he understands. The court invariably grants the accused an ample period of time, set at its discretion, to prepare his defence and he has the right to avail himself of the services of a lawyer as soon as he is referred to the judicial authority. The lawyer is also given ample time to study the case and prepare his pleas. The accused has no legal obligation to reveal the names of his witnesses before his case goes to trial.

210. There is no stipulated time limit for the submission of evidence, which can be presented at any time during the investigation or trial. This right is also enjoyed by the accused person.

211. Everyone has the right to avail himself of the services of a lawyer to prepare his defence. The accused is notified of this right only in cases involving felonies in which, if he fails to choose a lawyer, the court appoints one for him. Since the law does not set a specific time limit for the appointment of counsel for the defence, the court grants the accused ample time, at its discretion, to do so. Article 274 of the Code of Criminal Procedure stipulates that the president of the criminal court must ask the accused whether he has chosen a lawyer to defend him and, if he has not done so, the president must immediately appoint one, failing which the proceedings would be invalid. Article 69 of the Code of Criminal Procedure further stipulates that the examining magistrate must notify the accused that he is not obliged to answer questions in the absence of his lawyer, this notification being recorded in the examination report. In cases involving felonies, if the accused does not choose a lawyer and requests that one be appointed, the examining magistrate calls upon the President of the Bar Association to appoint a lawyer for him.

212. The contract appointing a lawyer is a consensual contract which would be invalid if concluded under any form of coercion. Subjection of the accused to any pressure to choose one lawyer rather than another would constitute an offence of abuse of authority.

213. The accused has the right to contact his lawyer at any time and to meet or correspond with him without such meetings or correspondence being subject to surveillance or censorship by the guards. This is stipulated in the Prison Regulations and reference thereto is also made in the Code of Criminal Procedure.

214. The Statutes of the Bar Association and the Code of Criminal Procedure stipulate that, in cases involving felonies, the court must appoint a lawyer to defend the accused free of charge.

215. The judge's impartiality, competence and sense of justice are the primary guarantees of a prompt trial and the time limits which the Code of Criminal Procedure sets for appeals ensure that there is no undue delay. The obligation for witnesses to appear at the stipulated time also constitutes an assurance that trials will not be delayed. These principles apply at all stages of the examination, trial and appeal.

216. No arrest warrant can be issued unless it specifies the accusation made against the person on whom it is to be served. It is impossible to estimate an average time, since this differs in every case depending on the possibility of the service of notice, the attendance of witnesses, the collection of evidence, the preparation of a defence and the time taken for the court to reach an appropriate verdict. It also depends on the number of cases pending before each court, the ability and competence of each judge and countless other factors which make it impossible to specify an average time. However, the general rule is that no sentence should be passed before the court is sufficiently convinced of the accused person's guilt in the light of the evidence submitted. Evidence must be collected rapidly and crimes must be punished before their social consequences have been forgotten, but without prejudicing the right of defence. The judge has full discretion to weigh all these factors.

217. Articles 190, 257 and 278 of the Code of Criminal Procedure stipulate that criminal trials must be held in public. Article 128 of the Code of Civil Procedure also stipulates that civil actions must be heard in public.

218. The law does not prohibit the press or other information media from attending or reporting on trials. However, it is prohibited to publish investigation documents before they are read out at a public hearing and it is also prohibited to publish judicial writs or the proceedings of trials conducted in camera or the hearings of divorce and desertion actions or any material the publication of which is prohibited by the court (art. 410 of the Penal Code). The court may, on the basis of a substantiated decision, hold a trial in camera in the interests of public order or public morals.

219. The law specifies the judicial body enjoying territorial jurisdiction to try offences and any violation of these rules would render the judgement null and void. The Court of Cassation may decide to transfer a case from one governorate to another if it has a valid reason to doubt the impartiality of the court or to fear a disruption of public order during its proceedings.

220. The accused is tried in absentia if, after process has been served upon him, he fails to attend the trial at the specified time.

221. Evidence is not admissible unless it can be challenged by the opposing parties. A lawyer does not have the right to represent a defendant who is being tried in absentia. Public proceedings cannot be instituted against a deceased person, as any offence that he might have committed becomes non-actionable on his death.

222. No penalty can be imposed on a person suffering from insanity. If an offender was afflicted with a mental disorder which reduced his power of discretion or volition at the time of commission of the offence, the penalty is reduced in accordance with the provisions of articles 232 and 241 of the Penal Code. Expert medical reports determine the mental capacities of the accused, who is tried and sentenced in accordance with the above-mentioned principles under which, if his offence is punishable by detention for a term of two years or more, he is confined in an institution by order of the court until he is found to be cured.

223. If the accused or any of the witnesses are unfamiliar with the Arabic language, the president of the court must appoint a sworn interpreter capable of providing a correct and reliable translation, failing which the proceedings would be null and void (art. 303 of the Code of Criminal Procedure). The same applies in the case of persons who are deaf or dumb. The accused has the right to request replacement of the interpreter, this being a matter on which the court must rule. The interpretation costs are met from the public legal budget (arts. 203-207 of the Code of Criminal Procedure). The interpreter interprets all the trial proceedings for the accused, who may also request a translation of the court documents. Although the appointment of an interpreter is a matter falling within the sole competence of the court, the accused is entitled to express his point of view in this regard, which the court takes into due consideration. The accused has the same rights as the prosecution in regard to witnesses (art. 282 of the Code of Criminal Procedure).

224. The accused and his defence counsel have the right to put any questions that they wish, through the president of the court, to a witness and may make any comments that they deem appropriate, in the interests of the defence, against the witness and his testimony (art. 289 of the Code of Criminal Procedure).

225. The accused is presumed innocent until convicted by a final court judgement (art. 28 of the Constitution of the Syrian Arab Republic).

226. An appeal can be lodged with a higher (appellate) court against any criminal judgement or with the Court of Cassation in cases involving felonies, with the exception of judgements imposing a fine of less than LS 100, which are considered to be final. Appeals can be lodged by the public prosecutor or the parties to a civil action (art. 165 of the Code of Criminal Procedure).

227. There is no restriction on the right of appeal to a higher court. However, the appeal must be lodged within 10 days from the date on which the accused is notified of the judgement if he was tried in absentia or deemed to be present, or from the date on which it is handed down if he was tried in his presence (art. 251 of the Code of Criminal Procedure). An appeal can be lodged in respect of a fact and/or a point of law and the appellant can avail himself of the services of a lawyer in the same way as during or before the trial. In civil actions, appeals are lodged through the submission of a petition specifying the judgement concerned and the reasons for the appeal and the appellant must deposit the legally required security (art. 232 of the Code of Civil Procedure).

228. Any citizen, regardless of his financial circumstances, can lodge an appeal in respect of a fact and/or a point of law in view of the trivial amount of the fee and the security involved. However, with the exception of temporary injunctions or restraining orders, interlocutory decisions are appealable only in conjunction with the final judgement.

229. Any convicted person can apply to the Head of State for a pardon. All such applications are considered by a Board of Pardons, consisting of five judges, which recommends their acceptance or rejection in accordance with the procedures laid down in articles 459 to 467 of the Code of Criminal Procedure.

230. Anyone who is the victim of a violation of his basic rights has an unrestricted right to bring a legal action against the perpetrator of the offence or to file a substantiated administrative complaint with the latter's superior. Damages are assessed by the court when the violation has been proved but are not awarded in respect of a judicial error unless it is found to be the result of a major fault or deliberate fraud. There are no specific violations in respect of which a complaint cannot be filed.

231. The Juveniles Act No. 18 of 30 March 1974 specifies the procedures to be followed in regard to the examination, trial, sentencing and punishment of juveniles. A minor cannot appear as a party in a civil action; he must be represented by his guardian or a person appointed by the latter.

232. The Juveniles Act No. 18 was amended by Act No. 51 of 8 April 1979, which adopted the following substantiated principles:

(a) The aim of the legislature being the reform and social rehabilitation of juvenile offenders, the Act made provision for a number of reform measures and empowered the judge to choose the one most appropriate in the juvenile's case;

(b) Expansion of the composition of the juvenile courts so that, when hearing cases involving major misdemeanours or felonies, they would include a highly qualified and specialized representative of the Ministry of Social Affairs and Labour and the Ministry of Education to help to determine the reform measure most appropriate in the juvenile's case;

(c) Establishment of a juvenile police force to supervise juveniles and protect them from the risk of delinquency;

(d) Regulation of the functions of institutions which assist the juvenile courts, such as social service offices and surveillance centres;

(e) Stipulation that the minimum duration of a juvenile's placement in a reform institution should be six months in order to give the juvenile time to adopt a proper course of conduct and accept guidance from the institution's specialists and also in order to enable the institution's staff to submit proposals to the juvenile court concerning his release or ongoing education and rehabilitation in the light of his conduct;

(f) Imposition of a fine on the juvenile's guardian, if the court finds that the juvenile's delinquency resulted from his guardian's neglect, in order to make the guardian aware of his responsibility.

233. A juvenile is defined as any male or female under 18 years of age (art. 1 of the Act).

234. A juvenile cannot be prosecuted for an offence if he was under seven years of age at the time of its commission (art. 2 of the Act).

235. A juvenile over seven years of age who commits an offence is liable only to reform measures.

236. Persons over 15 years of age who commit felonies are liable to the penalties prescribed in the Act (art. 3 of the Act).

237. A juvenile may be remanded in custody, if such is in his interest, for a period of up to one month (art. 10 of the Act). Article 4 of the Act specifies the reform measures, which include: delivery into the custody of one or both parents, of a family member or of an institution capable of undertaking his upbringing; placement in a surveillance centre or juvenile reform institution; placement in care; probation; restricted residence or prohibition from frequenting places of ill repute or from engaging in certain types of work; or subjection to the obligation to receive care.

238. Juveniles over 15 years of age who commit felonies are liable to the following penalties:

If the offence is punishable by the death penalty, the juvenile is sentenced to penal servitude for a term of six to 12 years.

If the offence is punishable by life imprisonment with hard labour, the juvenile is sentenced to penal servitude for a term of five to 10 years.

If the penalty is punishable by a term of imprisonment with hard labour, he is sentenced to penal servitude for a term of one to five years (art. 29 of the Juveniles Act).

239. Juveniles must be tried in camera (art. 49 of the Act). The procedures concerning flagrante delicto and direct prosecution before the court do not apply to them (art. 41 of the Act). They are not subject to the provisions concerning repeated offences and judgements handed down against them are not entered in their criminal record, nor are they liable to subsidiary penalties (art. 58 of the Act).

240. Under Syrian law, no one can be retried or punished again for an offence for which he has previously been convicted or acquitted by a final judgement. Article 181 of the Syrian Penal Code stipulates that "a single act can be prosecuted only once". This applies even if the judgement handed down by the court of first instance contravened the rules of jurisdiction, since a judgement that has become final cannot be declared invalid due to defects (Court of Cassation, Economic Security, 38, Act of 25 February 1984, Lawyers magazine, Rule 49 of 1985).

241. When a person accused of an act has been tried and sentenced or acquitted, he cannot be retried for the same offence (see: Court of Cassation, Misdemeanour, 452, Act 871 of 1 May 1982, Compendium, Rules 4656-4657, second session, 1498, 2187-2189 and 2411-2417, Part III).

Article 15

242. According to article 30 of the Constitution: "The provisions of laws shall apply only to acts that take place subsequent to the date of their entry into force and they shall not have retroactive effect, except in non-criminal matters in which stipulations to the contrary shall be admissible". Consequently, under the Penal Code, an offence is punishable only by the penalty prescribed therefor at the time of its commission.

243. Article 1 of the Syrian Penal Code stipulates that: "No penalty or precautionary or reform measure shall be imposed for an offence which was not legally designated as such at the time of its commission". Under article 8: "Any new legislation that abolishes or reduces a penalty shall apply to offences committed prior to its entry into force unless they formed the subject of a final judgement". Under article 9: "New legislation imposing heavier penalties shall not apply to offences committed prior to its entry into force". Accordingly, Syrian legislation embodies the principle that criminal laws are not applicable retroactively.

Article 16

244. Everyone in the Syrian Arab Republic is recognized as a person before the law, with all that this implies by way of rights and obligations, from the time when he is formed as a foetus in his mother's womb and is born live until his death. Article 25 of the Constitution stipulates that citizens are equal before the law in regard to their rights and obligations, without any discrimination, in conformity with the principle of the rule of law in society and in the State and every citizen is entitled to exercise his rights and enjoy his freedoms in accordance with the law (art. 27 of the Constitution). Consequently, every Syrian citizen has a constitutional right to be recognized as a person before the law.

245. The Syrian legislature sets a minimum age in some matters of legal personality. For example, article 46 of the Syrian Civil Code stipulates that: "Every person who has attained the age of majority, who is in full possession of his mental faculties and who is not subject to any form of guardianship is fully competent to exercise his civil rights." This does not mean that a person with diminished legal capacity does not enjoy legal personality; he has rights, but he cannot exercise them in person.

246. Legal personality applies even to a foetus, which is recognized as a person (for purposes of entitlement, competence and domicile) from the time when it develops from a fertilized ovum in its mother's womb into an embryo and subsequently a foetus which is born as a child, and remains inherent in the child until he or she reaches the age of discretion, followed by the age of maturity and finally dies. From the time of its formation, the foetus is vested with certain rights governed by the rules of reduced legal capacity since, at this stage, the foetus is a live but unborn person forming part of its mother. These rights are:

(a) The right to filiation;

(b) The right to inherit;

(c) Entitlement to receive a legacy (on being born live);

(d) Entitlement to receive an endowment (such as an endowment of real property which is received in the same way as a legacy).

247. Although legal capacity begins when a person is born live and acquires a name, a surname, a domicile and a nationality, such a person is not competent to exercise his civil rights since he lacks discretion. According to article 47 of the Syrian Civil Code:

"1. Anyone who is incapable of acting with discretion shall be incompetent to exercise his civil rights.

2. Everyone under seven years of age shall be deemed to be incapable of acting with discretion."

Article 164 of the Personal Status Act stipulates that: "A minor shall not be entitled to receive his property before reaching the age of majority". However, after hearing the opinion of the testamentary guardian, a magistrate may permit a person who has reached the age of 15 to receive and manage part of the said property.

248. With regard to civil and criminal liability, under the legal principles of Syrian legislation a person who lacks discretion does not bear civil or criminal liability for his acts. According to article 165, paragraph 1, of the Syrian Civil Code: "A person shall be accountable for his unlawful acts only if they are committed while he is capable of distinguishing between right and wrong". With regard to juvenile delinquents, article 2 of the Juveniles Act No. 18 stipulates that: "A juvenile shall not be liable to prosecution for an act committed while he is under seven years of age".

249. Under Syrian law, a Syrian citizen is competent to act as a party in judicial proceedings on reaching the age of 18, which is the age of majority (art. 15 of the Code of Civil Procedure), and is competent to testify before the courts on reaching the age of 15 since article 59 of the Code of Evidence stipulates as follows:

"2. No one under 15 years of age shall be competent to testify before a judge.

3. However, the statements of a person under 15 years of age may be heard without administering the oath, but only as presumptive evidence."

250. The legal principles in force in Syria apply to all citizens without distinction, as affirmed in article 1 of the Syrian Civil Code which stipulates that: "The provisions of the law shall apply to all matters to which they refer in letter or in spirit."

251. The right to bring a legal action before the courts is guaranteed to all citizens, subject to the sole condition of proof of capacity and interest (art. 11 of the Code of Civil Procedure).

252. Syrian law empowers the competent courts to monitor the proper implementation of measures ordered by the Administration while the provisions of the Emergency Act are in force. Accordingly, a citizen's legal personality cannot be restricted even when the provisions of the Emergency Act are being applied, since the decisions of the Martial Law Administrator are administrative decisions which, if legally defective, can be annulled by the administrative courts which, in fact, have already annulled several such decisions on the basis of actions brought by citizens claiming to have suffered prejudice as a result of decisions taken by the Martial Law Administrator.

Article 17

253. As already indicated, article 25 of the Constitution stipulates that liberty is a sacred right and the State has an obligation to safeguard the personal liberty, dignity and security of its citizens. Article 28 of the Constitution further stipulates that no one may be investigated or arrested except as provided by law. Under article 30, homes are inviolable and may neither be entered nor searched except in the legally specified circumstances. Under article 32, the confidentiality of postal and telegraphic communications is guaranteed in accordance with the provisions of the law. Under article 44, paragraph 1, the family, which is the basic unit of society, is protected by the State.

254. Any public official who, in his capacity as such, enters the home of any person or its outbuildings in circumstances other than those provided for by law and without respecting the legal regulations is liable to a penalty of detention for a term of three months to three years and the penalty must not be less than six months if the offence is accompanied by a search of the premises or any other arbitrary act committed by the offender (art. 360 of the Syrian Penal Code).

255. Article 86 of the Code of Criminal Procedure stipulates as follows:

> 1. Homes may not be entered or searched unless the person whose home is to be entered or searched is suspected of committing or aiding and abetting in the commission of an offence, being in possession of items relating to an offence or concealing a wanted person.
>
> 2. A magistrate's entry into a person's home without respecting the above-mentioned conditions shall be deemed an arbitrary act in respect of which a complaint may be lodged with the courts.

256. Article 90 stipulates that, without prejudice to the preceding provisions, the examining magistrate may conduct investigations in any place in which there is a possibility of finding items the discovery of which would help to determine the truth. Articles 91-101 specify the procedures to be followed in this regard. In cases of flagrante delicto, as defined in article 28 of the Code of Criminal Procedure, the public prosecutor is empowered to search the scene of the crime in accordance with the procedures set forth in article 36 of the Code of Criminal

Procedure. Article 42 of the Code of Criminal Procedure further stipulates that, in the case of offences not classified as flagrante delicto which are committed in residential premises, the public prosecutor may conduct a search therein if the owner of the premises requests him to conduct an investigation.

257. Any contravention of these legal principles would constitute a punishable violation of the inviolability of homes in accordance with the provisions of articles 557 and 558 of the Penal Code.

Article 557:

1. Anyone who enters another person's house or home or the outbuildings thereof against the other person's will, and anyone who remains in the said premises against the will of the person entitled to evict him therefrom, shall be liable to a penalty of detention for a term of up to six months.

2. The penalty shall be detention for a term of three months to three years if the act is committed at night, by breaking and entering, through the use of violence against persons, by using weapons, or if it is committed by a number of persons acting in association.

3. In the case referred to in paragraph 1, prosecution can take place only on the basis of a complaint from the aggrieved party.

Article 558:

1. A custodial penalty or a fine of up to LS 100 shall be imposed on anyone who, by breaking and entering or using violence against persons, gains access to another person's premises which are not open to the public or remains therein contrary to the wishes of the person entitled to evict him therefrom.

2. The offender can be prosecuted only on the basis of a complaint from the aggrieved party.

258. In cases other than these, homes cannot be entered or searched except in accordance with the provisions of the Emergency Act. The Police Service Regulations specify the times at which such premises can be entered, as well as the procedures to be followed, in the event of offences classified as flagrante delicto.

259. It is a punishable offence for anyone to divulge without a legitimate reason, or to use for his personal benefit, a secret that comes to his knowledge by virtue of his situation, his job, his occupation or his field of specialization. Article 566 of the Penal Code prescribes a penalty of detention for a term of two months to two years for anyone attached to the Postal and Telegraph Administration who abuses his said capacity by opening, destroying or stealing a sealed letter or divulging its content to a person other than its addressee. Anyone attached to the Telephone Administration who divulges the content of a telephone communication which he heard by virtue of his job or his work is liable to the same penalty.

260. Article 567 of the Penal Code also stipulates that it is a punishable offence for any other person to deliberately destroy or divulge the content of a letter or telegram not addressed to him or to divulge, to the detriment of another person, the content of a telephone communication overheard in the course of his duty.

261. Under article 568, it is an offence punishable by three months' detention to publicly libel or slander any person.

262. It is likewise an offence, punishable by detention for a term of one week to three months and a fine, to defame any person by word, gesture or threat, in writing, graphically or in a telephone or telegraphic communication.

Article 18

263. The legal principles on which the socio-political system in Syria is based emphasize the concept of religious freedom. Freedom of belief and of religious observance and respect for all religions are guaranteed in article 35 of the Syrian Constitution, which stipulates as follows:

> "1. Freedom of belief is inviolable and the State shall respect all religions.
>
> 2. The State shall guarantee freedom to engage in all religious observances in a manner consistent with public order."

264. Accordingly, freedom of belief is one of the inviolable human rights that are safeguarded by the Constitution, which is the fundamental law of the Syrian Arab Republic. Any act which prevents a Syrian from exercising his constitutional rights is punishable, under the terms of article 319 of the Penal Code, by a penalty of detention for a term of one month to one year.

265. Offences against religion are punishable under article 462 of the Penal Code, which stipulates that anyone who denigrates religious observances that are performed in public or incites others to denigrate such observances is liable to a penalty of detention for a term of two months to two years.

266. Article 463 of the same Code prescribes a penalty of detention for a term of one month to one year for:

(a) Any person who disrupts or uses acts of violence or threats to impede the practice of any religious rites, celebrations or associated observances;

(b) Any person who destroys, damages, defaces, desecrates or defiles a place of religious worship, a religious symbol or any other object that is venerated by the members of a religious community or group of people.

267. It is evident that article 35 of the Constitution guarantees the application of the principle of non-discrimination on religious grounds since it does not refer to any particular religion. There is no religious discrimination in regard to citizenship since the religion of Syrian citizens is not specified on their identity cards.

268. Any act which is intended to instigate intercommunal or confessional bigotry or disrupt national harmony is punishable under the terms of article 307 of the Syrian Penal Code, which stipulates that: "Any act or written or oral communication that is intended to instigate confessional or racial bigotry or provoke conflict among the various communities and component elements of the nation shall be punishable by detention of a term of six months to two years, together with a fine and prohibition from exercising the rights specified in the second and fourth paragraphs of article 64" (namely, the right of access to public office or public service in the administration of the civil affairs of the community or in the management of a professional association and the right to vote or to stand as a candidate in elections to any communal organization or professional association).

269. The law does not prohibit any religious community from exercising its own cultural rights, manifesting its religion or using its language.

270. The freedom of religious observance that is enjoyed by all religious communities is illustrated by their freedom to conduct their religious affairs in public and by the fact that they can have their own personal status laws applied by their religious authorities. This is in keeping with the religious pluralism of Syrian society, although the Constitution stipulates that the religion of the President of the Republic must be Islam. In fact, Syrians are free to engage or refrain from engaging in their religious observances since there is no authority empowered to compel them to perform such observances. This applies to all the religious communities.

271. In accordance with the provisions of the Constitution and the law, the State accords these communities freedom to manifest their religion and to engage in their observances in their respective houses of worship.

272. The Syrian legislature recognized freedom of thought, conscience and religion when it promulgated the personal status law to which Muslims are subject in regard to marriage and its effects, as well as the personal status laws governing marriage and its effects in the case of the numerous Christian communities in Syria and the personal status laws concerning marriage in the Mosaic community. These regulations are respected and protected and each of the said communities has its own courts which hear disputes arising from the application of those laws. Consequently, the freedom of belief, thought, conscience and religion of all citizens of the Syrian Arab Republic is safeguarded in law and in practice.

273. With regard to article 18, paragraph 4, of the Covenant, the State respects the liberty of parents and guardians to ensure the religious and moral education of their children in a manner consistent with the rights of others and with public morals and public order. In fact, in addition to supporting religious and moral education at all educational stages, the State guarantees the right of every religious community to receive religious education. This applies even in prisons, since article 118 of the Syrian Prison Regulations stipulates that: "On the basis of a proposal by the senior district administrator, the Minister of the Interior shall appoint at every prison ministers of religion for each religious confession who shall be granted access to detainees at their request."

Article 19

274. As already indicated, article 35, paragraph 1, of the Constitution confirms that freedom of belief is inviolable. Article 38 further stipulates that: "Every citizen has the right to express his opinion freely and openly, either orally, in writing or through any other medium of expression, and to contribute supervision and constructive criticism in a manner conducive to the integrity of the country and the nation. The State shall guarantee freedom of the press and of printing and publishing in accordance with the law."

275. In Syria, freedom of expression is safeguarded and conscience constitutes the only form of censorship of freedom of thought. Every citizen has the right to participate in political, economic, social and cultural life (art. 26 of the Constitution) since Syria has a press association known as the "Journalists' Federation".

276. The Journalists' Federation is a democratic popular association which is responsible for ensuring that the occupational situation of journalists is in conformity with article 19 of the International Covenant on Civil and Political Rights.

(a) In Syria, journalists exercise their occupational rights in a fully free and responsible manner, in accordance with the aforementioned article 38 of the Constitution, through the audiovisual information media;

(b) In Syria, there are no legal or administrative restrictions that prevent journalists from fulfilling their obligation to determine the truth, seek information from various sources and present it to the public through the publishing and information media;

(c) The state of emergency, which resulted from Israel's occupation of part of the country's territory and the existence of a state of war with Israel for more than 50 years, does not prevent journalists from discharging their occupational functions and duties by various journalistic ways and means;

(d) The International Covenant on Civil and Political Rights has been discussed and our information media has made detailed reference to the Covenant, frequently drawing attention thereto and explaining it in simplified terms to the public, which is well aware of its rights and obligations as set forth in the country's Constitution and the laws that regulate journalism and the national information process in Syria;

(e) We can assure Arab and international bodies concerned with human rights and freedoms in the field of journalism and the flow of information, and particularly democratic press freedoms, that journalists in our country play their role in the various information media in accordance with the guiding principle championed by President Hafez al-Assad ("We do not fear freedom; we merely fear for it. Freedom of the press is part of the freedom of the nation and its popular forces").

277. We also wish to emphasize that, since 1970, no journalist has been imprisoned, suspended from duty or prevented from expressing his opinion. This is a fact to which we draw attention at various Arab and international conferences and forums in order to highlight the true situation of journalists in Syria.

Article 20

278. Chapter IV of the Syrian Constitution, concerning public freedoms, rights and obligations, clearly shows that any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited in Syria. There is no discrimination among citizens on grounds of race, colour, gender, language, religion, opinion, national or social origin, wealth or other status. In fact, under the Constitution, no one can be discriminated against on the above-mentioned grounds since this would be incompatible with the fundamental general principles of the Constitution which advocate humanitarianism and the rejection of discrimination on any ground whatsoever. Articles 307 and 308 of the Syrian Penal Code prescribe penalties for acts which are discriminatory on religious or racial grounds, thereby covering all the types of discrimination referred to in the Covenant. Incitement to civil war or intercommunal strife is a punishable offence under the Penal Code, article 298 of which stipulates that: "Any act of aggression designed to provoke civil war or intercommunal strife by arming Syrians, encouraging them to bear arms against each other or instigating mass murder or the looting of commercial premises shall be punishable by life imprisonment with hard labour or, if such acts achieve their aim, by the death penalty".

279. Article 278 prescribes a penalty of imprisonment for:

(a) Anyone who contravenes measures taken by the State to preserve its neutrality in time of war;

(b) Anyone who, by engaging in acts or making written or spoken statements not authorized by the Government, exposes Syria to the risk of acts of aggression, disrupts its relations with foreign States or exposes Syrians to reprisals against their person or their property.

280. Advocacy of a war of aggression is prohibited as a matter of principle since it would constitute interference with a view to changing the Constitution of another State and violating the rights of the latter's citizens, which would be incompatible with Syria's public policy as can be inferred from its general legal provisions.

Article 21

281. The right of peaceful assembly is recognized in Syria, being guaranteed by article 39 of the Constitution, which stipulates that: "Citizens have the right to assemble and demonstrate peacefully in a manner consistent with the principles of the Constitution, the exercise of this right being regulated by law".

282. Syrian law in no way restricts the exercise of this right except where necessary in order to protect public safety, national security, public order, the rights of others, public health or

public morals. In Syria, the right of citizens to assemble and demonstrate is denied only if the assemblage or demonstration in question is likely to become riotous and disturb public peace, etc.

283. Article 335 of the Syrian Penal Code prescribes the following penalty for participation in a riotous demonstration: "Anyone who, while participating in an assemblage which is not of a private nature given its aim or purpose, the number of persons invited thereto or participating therein, the location at which it is held or the fact that it is held in a public place or at a location which is open to the public or exposed to public view, shouts or chants riotous slogans, displays an emblem likely to disrupt security or engages in any other form of disorderly conduct shall be liable to a penalty of detention for a term of six months to one year and a fine of LS 100".

284. With regard to riotous assembly, article 336 of the Penal Code stipulates that: "Any gathering or procession on a public thoroughfare or in a place open to the public shall constitute a riotous assembly punishable by detention for a term of one month to one year if it consists of three or more persons seeking to commit a felony or a misdemeanour or at least one of whom is armed; if it consists of not less than seven persons demonstrating against a decision or a measure taken by the authorities with a view to bringing pressure to bear on the latter; or if it consists of more than 20 persons manifestly seeking to cause a disturbance of the peace".

Article 22

285. The right to freedom of peaceful association is recognized in article 48 of the Constitution of the Syrian Arab Republic, which stipulates that: "The popular masses have the right to establish trade-union, social and professional organizations and production or service cooperatives, the framework, interrelationships and operational scope of which shall be prescribed by law". This article supplements the provisions of article 39 of the Syrian Constitution, which stipulates that: "Citizens have the right to assemble and demonstrate peacefully in a manner consistent with the principles of the Constitution". It is also in conformity with the rights recognized in the Covenant, particularly in articles 21 and 22 thereof. In accordance with article 41 of the Constitution of the Arab Baath Socialist Party, which is the leading party in Syria, scope is provided, within the limits of Arab nationalist ideology, for the establishment of clubs and the formation of associations, parties and organizations for young persons, as well as tourist institutions, and utilization of the cinema, radio, television and all the facilities offered by modern civilization for the widespread dissemination of national culture and entertainment among the people.

286. Under article 9 of chapter I of the Syrian Constitution: "Popular organizations and cooperative associations are groupings comprising the working forces of the people which seek to promote social development and further the interests of their members". This article is in conformity with article 26 of the Constitution, which emphasizes the right to participate in political, economic, social and cultural life in keeping with the provisions of article 22, paragraph 1, of the Covenant.

287. In Syria, the right of association was first recognized in Legislative Decree No. 152 of 18 September 1935 concerning trade unions for the liberal professions and craftsmen. This was followed by the establishment of the General Federation of Trade Unions, a non-governmental trade-union organization, on 18 March 1938.

288. In this connection, it should be noted that Syria has been a member of the International Labour Organization since 1947 and, by 31 December 1997, had ratified 46 international labour conventions, including:

(a) The Freedom of Association and Protection of the Right to Organize Convention No. 87 of 1948;

(b) The Right to Organize and Collective Bargaining Convention No. 98 of 1949.

289. Under the terms of the Trade Union Regulatory Act No. 84 of 1968, trade-union activities are voluntary and a worker is free to join the union established for the occupation in which he is engaging at any location whatsoever. He is absolutely free to join the union representing his labour sector or occupation, regardless of his ideological, political or confessional affiliations. Membership of trade unions is subject to no conditions or restrictions whatsoever. The worker's choice of the union that he wishes to join is subject solely to his type of work or occupation. He is likewise free to withdraw from the union.

290. Non-Syrian Arabs working in the territory of the Syrian Arab Republic also have the right to join Syrian trade unions, participate in their elections and occupy senior posts therein on an equal footing with Syrian Arab workers. However, non-Arab foreign workers are subject to the condition of reciprocal treatment by the States whose nationality they hold (art. 25 of the Trade Union Regulatory Act).

291. From the procedural standpoint, a worker wishing to join a trade union is required to submit an application, together with a copy of his personal identity card, to the union's office (art. 26 of the Trade Union Regulatory Act). The worker's membership of the union is deemed to be accepted and valid from the date of payment of his membership fee and his first monthly subscription (art. 27 of the above-mentioned Act), which is a small nominal amount.

292. With regard to the conditions governing the formation of trade unions, article 2 of the Trade Union Regulatory Act No. 84 of 1968 stipulates that: "Any group of workers, regardless of their number, may form a trade-union committee". Article 3 stipulates that: "The trade-union committees in each occupation have the right to form a trade union enjoying corporate personality in any governorate".

293. It should be noted that the Act lays down the following conditions for the formation of a trade-union committee by a group of workers:

(a) The name of the trade-union committee must be added to the list of trade-union committees in the governorate under the terms of a decision taken by the Council of the General Federation of Trade Unions on the basis of a proposal by the labour federation in the governorate and the trade union;

(b) The definition of "group of workers", as set forth in the Act, must apply to the group wishing to form a trade-union committee.

294. Paragraph 4 of Legislative Decree No. 84 defines "group of workers" as follows:

"(a) All the workers working in the governorate in a single factory or workshop, a single institution or facility, a single administration or department or a municipality;

(b) All the workers working for a single employer in the governorate, without prejudice to the provisions of paragraph (a);

(c) All the workers working in an occupational branch in the governorate in which the trade-union committee is to be established, without prejudice to the provisions of paragraph (a)."

295. The country's General Federation of Trade Unions is a member of the World Federation of Trade Unions and participates effectively in all the WFTU conferences and the country's occupational federations are affiliated to the corresponding Arab and international occupational federations.

296. The country's trade unions discharge their functions and responsibilities in full freedom and adopt decisions consistent with those of the Congress of the General Federation of Trade Unions, the highest constitutional labour body, which meets every five years and is empowered to discuss the rights and interests of workers and consider any matter of concern to them. The following measures have been taken to consolidate the principle of free collective equality:

(a) The principle of the appointment of trade-union leaders has been abolished in favour of electoral processes at all trade-union organizational levels;

(b) Clearly defined rules have been laid down for the formation of trade-union committees by groups of workers working for a single employer;

(c) The trade-union movement is being encouraged through confidence-building measures and its trade-union organizations are being strengthened so that the working class can form a cohesive unit.

297. With regard to the organizational structure of the country's trade unions, the trade-union committee, consisting of five elected members, in a workshop or facility is the smallest trade-union body. All the trade-union committees in a specific labour sector in a governorate elect the trade union's executive, consisting of 5-9 members. The trade union represents the workers in a single occupational sector at the governorate level.

298. The country as a whole has 194 trade unions distributed among its 14 governorates. The trade unions are represented by 2,459 grass-roots trade-union committees which, in turn, represent all the 814,540 trade-union members in the public, private and mixed sectors.

299. The seven-member executives of the occupational federations are elected. The country has eight such occupational federations, which represent the workers in all occupations and in all sectors. These are:

(a) The Occupational Federation of Textile Workers' Unions;

(b) The Occupational Federation of Public Service Workers' Unions;

(c) The Occupational Federation of Petroleum and Chemical Workers' Unions;

(d) The Occupational Federation of Construction and Woodworkers' Unions;

(e) The Occupational Federation of Transport Workers' Unions;

(f) The Occupational Federation of Printing, Cultural and Information Workers' Unions;

(g) The Occupational Federation of Metallurgical and Electrical Industry Workers' Unions;

(h) The Occupational Federation of Food Industry Workers' Unions.

300. The Trade Union Congress, which is the highest constitutional labour body, consists of all the delegates of the trade unions and occupational federations, the number of whom is in proportion to the total membership of each trade union and occupational federation. The Congress, in turn, elects the 75-member Council of the General Federation, which is the General Federation's governing body. The Trade Union Regulatory Act defines the powers of the Council which elects the Executive of the General Federation which, by law, consists of 11 full-time members.

301. The State has avoided the need for workers to resort to strike action by adopting a policy of joint (collective) employment contracts and organizing conciliation and arbitration panels and procedures to settle any collective disputes that arise between workers and their employers.

302. Articles 89-106 of section 2, chapter II, of the Labour Act regulate the joint contract of employment, which is an agreement governing conditions of employment concluded between one or more trade unions and the employers employing workers belonging to those unions or the organizations representing the employers. Articles 188-210 of chapter V of the Labour Act regulate the conciliation and arbitration procedures for the settlement of labour disputes, which takes place in two stages. The first stage consists in conciliation and the second stage consists in arbitration. In accordance with article 209 of the Labour Act, workers are forbidden to strike or to partly or wholly withhold their labour when an application has been made for conciliation and during the course of the procedures before the competent administrative authority or the conciliation or arbitration panel.

303. Employers are not permitted to halt their operations, wholly or in part, unless they are obliged to do so for valid reasons, in which case they must apply, by registered mail, for the approval of the Ministry of Social Affairs and Labour. The decision on such applications is taken by the Minister.

304. Under the terms of article 65 of the Civil Service Statutes, it is prohibited for workers to participate in the organization of meetings at their place of work in violation of the provisions of the laws in force. They are not permitted to abandon, suspend or obstruct the work with a view to disrupting order or halting or impeding production, nor are they permitted to incite other workers to do so.

305. The provisions of Act No. 84 of 1968 and the amendments thereto which entered into force before 1990 specify and guarantee the overall rights of trade unions and trade-unionists. No further amendments have been made to those provisions since that year.

306. With regard to the establishment of associations in the Syrian Arab Republic, article 1 of the Private Associations and Institutions Act No. 93 of 1958, as amended, stipulates that: "For the purposes of the implementation of this Act, 'Association' shall mean any grouping endowed with a permanent organization, established for a specified or indefinite period and consisting of individuals or bodies corporate, for a non-profit-making purpose."

307. The restrictions which this Act places on the establishment of such associations in order to protect public safety, national security, public order, public health and morals and the rights of others are the same as those placed on exercise of the right of peaceful assembly in order to protect the public interest. Under article 2 of the said Associations Act: "Any association which is established for an illicit reason or purpose, or which contravenes the law or the moral code, or the purpose of which is to prejudice the integrity or form of the republican government shall be null and void".

308. The Act stipulates that, when an association is established, written statutes approved by the Ministry of Social Affairs and Labour must be drawn up for it and the said statutes must specify the purpose underlying the establishment of the association. It also stipulates that the association must not transcend the purpose for which it was established.

309. The right to form political parties is inviolable. The Syrian Constitution emphasizes the need for a National Progressive Front, led by the Arab Baath Socialist Party, to pursue the following aims:

(a) To mobilize the combined capacities of the masses in furtherance of the objectives of the Arab nation (art. 8 of the Constitution);

(b) To liberate the occupied Arab territories;

(c) To formulate economic, social, cultural, political and military plans;

(d) To decide on questions of war and peace;

(e) To approve the five-year plans, discuss economic policy for the development of the agricultural sector on which the development of the national economy is based, and promote the cooperative movement;

(f) To further the cultural, social and political development of citizens;

(g) To complete the establishment of the popular democratic system, with its constitutional institutions and local councils, in order to ensure the full sovereignty of the people;

(h) To further develop the democratic structure of the popular and occupational organizations, provide them with every possible means to play their fundamental role of ensuring the people's control of the various organs of the executive authority, and expand the base of these organizations.

310. The National Progressive Front, which was formed in the early part of 1972, currently comprises the following parties:

(a) The Arab Baath Socialist Party;

(b) The Syrian Communist Party;

(c) The Arab Socialist Union Party;

(d) The Socialist Unionist Party;

(e) The Arab Socialist Movement;

(f) The Democratic Socialist Unionist Party.

Article 23

311. The Syrian Arab Republic shows special concern for the family, which is the basic unit of society. Accordingly, the State is continuing its diligent endeavours to protect the family, which it regards as the most important social institution for the rearing and development of citizens. In fact, the family constitutes the social unit from which individuals derive all their social and humanitarian values from childhood to old age and which plays the major role in the upbringing of future generations and the provision of the human resources which society requires.

312. The need to protect and strengthen the family, as a basic social institution, is emphasized in article 44 of the Syrian Constitution, which stipulates that:

1. The family is the basic unit of society and shall be protected by the State.

2. The State shall protect and encourage marriage and endeavour to eliminate material and social impediments thereto. It shall protect mothers and children, take care of young people and ensure conditions conducive to the development of their talents.

Under article 46, paragraph 1: "The State shall provide for every citizen and his family in the event of accident, sickness, disability or orphanhood and in old age".

313. The Ministry of Social Affairs and Labour has taken the following measures to eliminate material and social impediments to marriage:

(a) The Federation of Charitable Associations has established a Love and Compassion Fund to help young people to marry and make marriage easier for single persons by providing financial and in-kind assistance for persons wishing to marry;

(b) In response to popular demand, some private associations have amended their statutes in order to be able to provide assistance for persons wishing to marry.

314. Marriage is a consensual contract between a man and a woman under which he can take her as his lawful wife. The Syrian Personal Status Act devotes an entire section to marriage and its effects for all the religions and religious confessions practised in Syria.

315. Although there is equality in regard to conjugal rights, after marriage the ongoing organization of the family, as the basic unit of society, requires leadership and authority, the scope of which must be clearly defined in case a dispute arises between the spouses and in order to establish the necessary balance between rights and obligations. Hence, within the family framework, the respective roles of the husband and the wife differ in view of the special nature of women, which is necessary for the perpetuation of human life (menstruation, pregnancy, childbirth and breastfeeding) and which entails certain rights and precludes engagement in certain occupations. This difference in regard to the distribution of roles within the family framework is not discriminatory since it does not assign excessive rights or obligations to either party and does not affect their civil or political rights; it merely relates to family matters and relations between the spouses.

316. According to the definition contained in article 36 of the Syrian Civil Code, a person's family consists of his kinsfolk, i.e. all those who are linked to him by common descent. Accordingly, prior to marriage, a natural person (male or female) forms part of the family of his or her parents. The kinsfolk include brothers and sisters who have a common ascendant (father or mother) as well as the father or mother (the common ascendants).

317. The legislation in force in the Syrian Arab Republic, including the Personal Status Act, the Labour Act, the Standard Employment Act, the Social Insurance Act, the National Service Act and the Social Welfare Act, comprise provisions that protect the family and its members.

318. The following services illustrate the extent to which this legislation is applied in such a way as to meet the various needs of the family in a manner consistent with the rights recognized in the Covenant.

(a) Pregnant workers are granted maternity leave of 75 days on full pay, one month at 80 per cent of their pay and one month without pay;

(b) After childbirth, women are granted a one-hour break every day, in order to breastfeed their child, for a period of one and a half years from their date of delivery.

Article 24

319. As already indicated, the State is endeavouring to protect mothers and children by eliminating the material and social obstacles that they face and is catering for the welfare of the younger generation by ensuring conditions conducive to the development of their talents. Syrian legislation recognizes the right of every child, without discrimination, to such measures of protection as are required by his status as a minor on the part of his family, society and the State. Special measure have been taken, and are still being taken, to protect children in addition to the measures that guarantee enjoyment by all citizens, including children, of the rights recognized in the Covenant.

320. The Syrian Arab Republic ratified the Convention on the Rights of the Child on 13 June 1993, under the terms of Act No. 8, in accordance with the provisions of the Constitution and the decision taken by the People's Assembly at its meeting held on 5 June 1993. The Convention entered into force on 14 August 1993 and the report of the Syrian Arab Republic, which was submitted in 1995, was discussed by the Committee on the Rights of the Child on 16 January 1997.

321. Following Syria's accession, the Convention became part of the country's domestic law and, consequently, must be implemented and respected by all. This is confirmed by article 25 of the Syrian Civil Code, which stipulates that: "The provisions of the preceding articles shall apply only in the absence of a conflicting text or international convention in force in Syria". It is also confirmed by article 311 of the Syrian Code of Criminal Procedure, which stipulates that "The above rules shall apply without prejudice to the provisions of treaties concluded in this connection between Syria and other States".

322. Through its policy and the laws in force in its territory, the State is endeavouring to ensure that precedence is accorded to the interests of the child so that he or she can develop into an upright member of a healthy society. Every Syrian family attaches central and fundamental importance to the welfare and protection of its children and the State is making considerable efforts to ensure effective protection of the health and educational aspects of child welfare, particularly through the legal protection afforded by the Civil Code and the Personal Status Act. The chapter on custody in the latter Act clearly illustrates the manner in which precedence is accorded to the best interests of the child.

323. In the Syrian Arab Republic, children enjoy protection, as required by their status as minors, on the part of their family, society and the State. Under Syrian law, a minor is any person under 18 years of age. According to article 46 of the Syrian Civil Code: "Every person who has attained the age of majority, who is in full possession of his mental faculties and who is not subject to any form of guardianship is fully competent to exercise his civil rights". The age of majority is 18 completed Gregorian years. Article 1 of the Juvenile Delinquents Act No. 18 of 30 March 1974 stipulates as follows:

"For the purposes of the implementation of the provisions of this Act, the expressions listed below shall have the following meanings:

1. Juvenile: Any male or female person under 18 years of age".

324. With regard to the age at which civil rights can be exercised, article 47 of the Civil Code stipulates as follows:

"1. Anyone who is incapable of acting with discretion shall be incompetent to exercise his civil rights.

2. Everyone under seven years of age shall be deemed to be incapable of acting with discretion".

Under article 164 of the Personal Status Act:

"1. A minor shall not be entitled to receive his property before reaching the age of majority.

2. After hearing the opinion of the testamentary guardian, a magistrate may permit a person who has reached the age of 15 years to receive and manage part of the said property".

325. Under Syrian law, "child", "minor" and "juvenile" are legal terms with the same connotation, namely a person under 18 years of age.

326. Syrian law seeks to ensure that every person born in Syria has an identity that clearly specifies his or her civil status. The father or, in his absence, relatives, as well as the physician, the midwife or directors of official institutions have an obligation to send the birth certificate of every newborn child to the Civil Registrar. This ensures that every child is entered in the official State registers. Article 26 of the Civil Status Act stipulates that: "The father has an obligation to present the birth certificate, authenticated by the local mayor, within the legally specified time limit".

327. Under the Act, every child must be registered within a maximum of 15 days from the date of birth. According to article 22, in the father's absence, this obligation devolves on the local mayor or the relatives of the newborn child living in the house in which the birth took place. The physician or midwife is required to notify the Civil Registrar within the time limit specified in article 22.

328. Under article 37 of the same Act, directors of institutions such as hospitals, prisons and quarantine stations, etc., have an obligation to transmit to the Civil Registrar the birth certificates of children born in their institutions, although these do not need to be authenticated by the local mayor. The said directors are required to maintain special registers to record these events.

329. Under Syrian law, newborn foundlings must be handed over to the official authorities so that an investigation can be duly undertaken with a view to determining their identity. Article 24

of the Civil Status Act stipulates that anyone who finds a newborn child must hand the child over to the police authorities in towns and cities, or to the local mayor in villages, together with the clothing and other objects found on the child, and must also specify the time, place and circumstances in which the child was found. The police officers and mayors then draw up a report on the incident, specifying the child's apparent age and any distinguishing marks. The child must be delivered, with the report, to one of the institutions or persons approved by the Ministry of Social Affairs and Labour and the said institutions or persons must draw up a birth certificate and send it to the Civil Registrar for registration in accordance with the preceding provisions after the child and his or her parents have been given pseudonyms chosen by the Civil Registrar. This is confirmed in article 2 of the Foundlings Act No. 107 of 4 May 1970.

330. Every child born in Syria has the right to acquire the nationality of his or her parents as a right based on blood affiliation if the child's father is known, as a right based on both blood and territorial affiliation if the child's mother is Syrian and the father is unknown, or as a right based solely on territorial affiliation if the child's parents are unknown or if, although known, they are unable to pass their nationality on to the child. Article 3 of the Syrian Nationality Act stipulates as follows:

> "The following persons shall be deemed, ipso facto, to be Syrian Arabs:
>
> (a) Anyone born in or outside the country to a Syrian Arab father. (In this case, the person is entitled to Syrian Arab nationality even if the birth was not entered in the Syrian Arab registers);
>
> (b) Anyone born inside the country to a Syrian Arab mother but whose paternity has not been legally established. (In this case, if the father fails to recognize the child or if the marriage could not be registered for any reason, the child is deemed to be a Syrian Arab);
>
> (c) Anyone born inside the country to parents who are unknown, of unknown nationality or stateless. A foundling discovered within the country shall be deemed to have been born therein at the place in which he or she was discovered, failing proof to the contrary;
>
> (d) Anyone born inside the country and who, at birth, was not entitled to acquire a foreign nationality by right of filiation. (In this case, a child born inside the country to a father who has lost his original nationality for any reason is deemed to be a Syrian Arab);
>
> (e) Anyone of Syrian Arab origin who has not acquired another nationality and has not applied for Syrian nationality within the time limits specified in the above-mentioned decisions and laws. (This covers the case of nomads, unregistered births and persons whose ascendants were not entered in the Syrian Arab registers.)"

The provisions of this article apply even if the birth took place before the entry into force of the Act.

331. A name is one of the most important rights inherent in the human person and is the principal feature that distinguishes a person as an independent individual entity in the community. However, a name does not merely refer to a person and distinguish him or her from other persons; it also indicates the status that the person enjoys in his or her family or society. Accordingly, under Syrian law, every person must have a name and surname. Article 40 of the Civil Code stipulates that: "Every person shall have a name and surname and the surname shall be passed on to the person's children". By law, a newborn child must be named by the father, since the child will bear the father's name. Children of unknown paternity are named by their mother and foundlings are named by the Civil Registrar (art. 34 of the Civil Status Act No. 376 of 2 February 1975).

Article 25

332. The Constitution of the Syrian Arab Republic guarantees the basic aspects of the political rights of citizens by emphasizing the fundamental principle that participation in the conduct of public affairs is a sacred right which every citizen must exercise in person or in association with others.

333. In Syria, sovereignty is exercised by the people who, through the democratically elected people's councils, exercise their right to govern the State and guide society (art. 10 of the Constitution) either directly or through their representatives. The State guarantees the principle of equality of opportunity for its citizens, without any discrimination in regard to the exercise of their right to participate in political, economic, social and cultural life in the manner regulated by law. Every citizen has the right of access to public office.

334. Under the Constitution, all citizens are equal before the law in regard to their rights and obligations. In fact, an entire section of the Constitution is devoted to the basic principles of the legislative authority vested in the People's Assembly, the members of which are elected directly by universal and equal suffrage and secret ballot in accordance with the provisions of article 50 of the Constitution and article 2 of the Electoral Law promulgated in Legislative Decree No. 26 of 14 April 1973, as amended.

335. The Electoral Law emphasizes the right of all Syrian citizens to elect their representatives to the People's Assembly, as well as their right to stand as candidates in elections to the Assembly, in conformity with article 25 of the Covenant. Article 3 of the Electoral Law stipulates as follows: "The right to vote shall be enjoyed by every male and female Syrian Arab citizen who has reached the age of 18 on the first day of the year in which the election takes place unless he or she is deprived of that right in accordance with this Legislative Decree and the laws in force".

336. The only persons who are deprived of the right to vote are those referred to in article 4 of the Electoral Law, which stipulates that:

> "The following persons shall be deprived of the right to vote:
>
> (a) Persons placed under guardianship, for the duration of the guardianship;

(b) Persons afflicted with mental illness, for the duration of the illness;

(c) Persons sentenced under the terms of articles 63, 65 or 66 of the Penal Code or convicted of an offence prejudicial to honour".

Article 63:

1. A sentence of life imprisonment, with or without hard labour, shall entail lifelong deprivation of civil rights.

2. A sentence of imprisonment, with or without hard labour, or a sentence of expulsion or restricted residence for a felony shall entail deprivation of civil rights from the day on which the judgement becomes final and for a period of 10 years from the date of enforcement of the original penalty.

Article 65:

Every person sentenced to detention or restricted residence for a misdemeanour shall be prohibited from exercising the following civil rights throughout the duration of the penalty:

(a) The right of access to public office or public service;

(b) The right to hold office or serve in the administration of his community's civil affairs or in the management of the professional association to which he belongs;

(c) The right to vote or stand as a candidate in elections to Councils of State;

(d) The right to vote or stand as a candidate in elections to any community or trade-union organization;

(e) The right to wear Syrian or foreign orders of merit.

Article 66:

1. In certain cases specified by law, any penalty imposed for a misdemeanour may be accompanied by prohibition from exercising one or more of the rights referred to in the preceding article.

2. Such prohibition shall be imposed for a period ranging from one to ten years.

337. The Constitution guarantees the freedom of voters to choose their representatives, as well as the fairness of the electoral process (art. 57 of the Constitution).

338. The right of every Syrian citizen, without discrimination, to stand as a candidate for membership of the People's Assembly is guaranteed in the above-mentioned Electoral Law, article 17 of which stipulates that: "Every male and female Syrian Arab citizen, including

military personnel and the categories covered by the provisions of article 5 of this Legislative Decree, shall enjoy the right to stand as a candidate for membership of the People's Assembly provided that they meet the following conditions:

(a) They must have held Syrian Arab nationality for not less than five years on the date of submission of their candidature;

(b) They must enjoy the right to vote;

(c) They must be over 25 years of age on the first day of the year in which the election is held;

(d) They must be proficient in reading and writing."

339. With regard to ministers, police officers, governors and civil servants who wish to stand as candidates for membership of the People's Assembly, article 18 of the Electoral Act stipulates that:

"(a) Ministers standing as candidates for membership of the People's Assembly may retain their posts;

(b) Governors and police officers may stand as candidates in a district other than that in which they are working but shall, ipso facto, be granted special leave without pay from the date of submission of their candidature until the conclusion of the electoral process. If they stand as a candidate in the electoral district in which they are working, they shall, ipso facto, be deemed to have resigned but shall be reinstated in their posts if they are not elected;

(c) Any other persons employed by the State, its institutions or agencies in the public or mixed sectors may stand as candidates but shall, ipso facto, be granted the leave provided for in the preceding paragraph."

340. Article 15 of the Electoral Law sets the number of members of the People's Assembly at 250, representing the following two sectors:

(a) Workers and agricultural labourers;

(b) Other categories of the people.

Workers and agricultural labourers must hold at least 50 per cent of the total number of seats in the Assembly. The members of the Assembly are elected for a term of four years.

341. Further clarifications concerning exercise of the right to vote and to participate in the country's public affairs will be found in the following information relating to the elections for the 7th legislative session of the People's Assembly in Syria which were held on 30 November and 1 December 1998.

342. The number of candidates for membership of the People's Assembly in all the electoral districts amounted to 7,361 of whom 4,236 represented sector (a) and 3,125 represented sector (b). A total of 6,546 male candidates and 815 female candidates competed for the 250 seats in the People's Assembly.

343. There were 15 electoral districts and 8,527 polling stations. According to the civil status registers, the total electorate amounted to 8,600,071 persons. However, it should be noted that this figure included citizens living outside Syria who, being unable to come and receive their voter's registration cards, were unable to vote. It also included military personnel and police officers (who, by law, are not entitled to vote) and citizens who, under the terms of court judgements, were prohibited from exercising the right to vote. The total number of these categories amounted to 1,500,000 citizens. Accordingly, the actual number of persons entitled to vote and present in Syrian territory on that date amounted to 7,100,071.

344. Voter's registration cards were issued to 6,601,323 persons, of whom 5,501,940 exercised their right to vote. Accordingly, the right to vote was exercised by 82.2 per cent of the persons who had been issued with voter's registration cards and 77.5 per cent of the total number of persons eligible to vote. At all events, this was a high proportion which expressed our people's interest in their Assembly as an important constitutional institution in national life.

345. Of the 250 members elected to the People's Assembly, 127 represented sector (a), namely workers and agricultural labourers who, under the Constitution, must hold a minimum of 50 per cent of the seats, and 123 represented sector (b), comprising other categories of the people.

346. The number of members of the People's Assembly belonging to parties in the National Progressive Front amounted to 167. Of the 83 successful independent candidates, 35 represented sector (a) and 48 represented sector (b).

347. The number of female candidates for membership to the Assembly amounted to 26, i.e. 10.4 per cent of the total membership, as compared with a total of 24 female members in the previous Assembly.

348. The number of new members entering the Assembly for the first time amounted to 174. This means that 76 previous members retained their seats.

349. The new People's Assembly included members representing all sections of society: workers and agricultural labourers, intellectuals, jurists, physicians, engineers, artists and persons engaged in various economic, industrial, commercial and other occupational activities.

350. The election was re-held at only one polling station in the governorate of Deir az-Zor, where the number of envelopes in the ballot box was found to be 5 per cent higher than the number of voters, this being the percentage specified in article 36 of the Electoral Law which stipulates as follows: "At 2 p.m. on the day following the election, the Electoral Committee shall open the ballot box in public and shall begin to count the envelopes that it contains. If the

number of envelopes is found to be more than 5 per cent higher or lower than the number of persons who voted, the election shall be deemed null and void and shall be reheld on the following day."

351. The percentage of persons issued with voter's registration cards who actually voted amounted to 82.2 per cent, as compared with 61 per cent in the previous legislative session, and constituted 77.5 per cent of the number of eligible voters shown in the civil registers. The proportion of blank ballot papers was low.

352. There were 13 elected members in the age group 25-35, 106 in the age group 36-50 and 131 in the age group 50 and above. Of the total number of members, 137 held university degrees, 51 held certificates of secondary education and 12 held lesser certificates.

353. Participation by citizens in the conduct of the country's public affairs is not confined to a particular category of the people, since every Syrian Arab citizen has the right of access to public office, from the post of President of the Republic (art. 83 of the Constitution) to the lowest official rank. In fact, the Constitution regards the basic human rights and personal freedoms of citizens as sacrosanct, all citizens being equal before the law in regard to the exercise of their rights and the fulfilment of their obligations. There is no discriminatory distinction, exclusion, restriction or preference in law, administrative practice or relations between groups or persons. Hence, in Syria, there is no basis for any form of discrimination, exclusion, preference or restriction on grounds of national or ethnic origin, race, colour, birth or gender which would impede the recognition, enjoyment or practice of human rights and fundamental freedoms in the political, economic, social or cultural fields, in employment or in any other sphere of public life.

Article 26

354. All persons enjoy equal rights before the law, without distinction of any kind, such as national, ethnic or social origin, colour, gender language, religion, opinion, property, birth or other status.

355. Syrian society is distinguished by its tolerance and lack of bigotry. The phenomenon of discrimination is unknown in the country's history and is totally alien to its society. Accordingly, Syria is engaged in a relentless battle against manifestations of racism wherever they occur, and particularly those which the Israeli occupation authorities are practising against Arab citizens.

356. It should be noted that the Syrian Arab Republic was among the first States to accede to the international conventions against apartheid. It acceded not only to the International Convention on the Elimination of all Forms of Racial Discrimination but also to the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention against Apartheid in Sports, the Convention on the Prevention and Punishment of the Crime of Genocide, the Slavery Conventions and the two International Covenants.

357. It should also be noted that Syria has submitted its periodic reports on the International Convention on the Elimination of all Forms of Racial Discrimination, the most recent being the

combined second, third and fourth periodic report, submitted, in accordance with the Convention, to the fifty-second session of the Committee on the Elimination of Racial Discrimination at Geneva.

358. The Syrian Constitution and the laws in force in the Syrian Arab Republic guarantee the enjoyment by all citizens, without distinction, of the rights recognized in the International Covenant on Civil and Political Rights.

359. The Syrian legal system applies to all persons without any form of discrimination based on colour, race or religion, etc. This is guaranteed in the Syrian Constitution, article 25, paragraph 2, of which stipulates that: "All citizens are equal before the law in regard to their rights and obligations".

360. The law protects all members of Syrian society from any form of discrimination. Even though there has never been any discrimination in Syria, in order to preclude any manifestation thereof the legislature has designated as a punishable offence any act or written or oral communication that is intended to instigate confessional or racial bigotry or provoke conflict among the various communities and component elements of the nation (art. 307 of the Syrian Penal Code). Article 308 of the Penal Code prescribes a penalty for membership of any association established for the purpose referred to in article 307. Articles 462 and 463 also prescribe penalties for offences against religious sensibilities.

361. The Statutes of the Arab Baath Socialist Party, which is the leading party in the Syrian Arab Republic and in the National Progressive Front, designate participation in the elimination of apartheid, of all policies and practices of racial discrimination or segregation and of racist propaganda as a cornerstone of the State's public policy. According to those Statutes, the value of citizens can be determined only after they have been granted equal opportunities. Articles 28 and 94 of the Party's statutes emphasize that citizens are equal in terms of human value and that there must be no discrimination among them on grounds of gender, origin, language or religion.

Article 27

362. As already indicated, there is no place in the Syrian Arab Republic for any discrimination, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin or gender which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social or cultural fields or in any other sphere of public life.

363. All citizens are equal before the law in regard to their rights and obligations and enjoy their rights and freedoms in accordance with the law and the Constitution. Freedom of belief is inviolable and the State respects all religions and guarantees full freedom of religious observance provided that it is not prejudicial to public order. Accordingly, the right of every religious community to profess and practise its religion and exercise its religious rights is firmly established in the Constitution and the laws in force.

364. The law protects all persons residing in the territory of the State, without any discrimination on grounds of race, origin, religion or nationality. Syria has never known any case of alleged discrimination in regard to this protection. All citizens enjoy the same rights,

without any discriminatory treatment on grounds of race, origin, language or religion. They enjoy, on an equal footing, all the rights and privileges recognized in the International Covenant, the Constitution and the laws in force.

365. No one can be prevented from enjoying the right to exercise freedom of thought and religion, freedom to change his religion or belief and freedom to manifest his religion through worship, teaching and religious observance alone or in association with others, in public or in private.

366. It should be noted that, although Islam constitutes one of the mainstays of public order in Syria, which regards religious observance as a basic human right, a citizen's religion or his exercise of this right in no way forms a basis for the establishment of his Syrian identity or his entitlement to Syrian nationality (in this regard, reference can be made to the provisions of article 18, paragraph 3, of the Covenant).

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